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<p>(54) Title: TREATMENT OF NON-NEURONAL CANCER USING HSV MUTANT</p> <p>(57) Abstract</p> <p>A mutant herpes simplex virus which has been modified in the <math>\gamma</math>34.5 gene such that the gene is non-functional is used to treat a non-neuronal cancer such as a mesothelioma, ovarian carcinoma, bladder cancer or melanoma. Typically, the mutant herpes simplex virus has been modified within the BamHI restriction fragment of the long terminal repeat of the viral genome.</p>		

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TREATMENT OF NON-NEURONAL CANCER  
USING HSV MUTANT

FIELD OF INVENTION

5           The present invention relates to the treatment of non-neuronal cancer tumors, particularly mesotheliomas, melanoma, ovarian carcinoma or bladder cancer whether the tumors are metastatic tumors or primary tumors.

10       BACKGROUND OF THE INVENTION

          The DNA sequence of herpes simplex type 1 (HSV-1) is known and is linear with a length of about 152k residues. It consists of two covalently linked segments, designated long (L) and short (S). Each segment contains a unique  
15       sequence flanked by a pair of inverted terminal repeat sequences. The long repeat ( $R_L$ ) and short repeat ( $R_S$ ) are distinct. The unique long ( $U_L$ ) region includes genes UL1 to UL56, and the  $U_S$  region includes genes US1 to US12.

20           The  $U_L$  region is flanked by a terminal repeat region (TRL) and an internal repeat region (IRL) which lies adjacent the IRS of the  $U_S$  region. Two genes RL1 and RL2 lie within each of the repeat regions TRL and IRL. The RL1 gene codes for the protein ICP 34.5, and this  
25       gene is referred to herein as  $\gamma$ 34.5.

          A number of naturally occurring and artificially-engineered HSV-1 mutants have recently been identified that appear to replicate preferentially in transformed cells (Martuza et al, 1991; Mineta et al, 1994). Because  
30       of the natural tropism of wild type herpes virus for neuronal tissue, the published uses of modified, replicating HSV to treat cancer have centered around tumors of CNS (central nervous system) origin. Initial experiments utilising HSV-1 mutants with deletions in the  
35       thymidine kinase gene (HSV-TK<sup>-</sup>) showed dose dependent

improvement in the survival of nude mice bearing human gliomas, medulloblastoma, malignant or atypical meningioma and neurofibrosarcoma both *in vitro* and in tumor bearing nude mice (Martuza et al, 1991; Markert et al, 1993). More recently, additional "replication restricted" non-neurovirulent mutants of HSV that contain the HSV-TK gene (a potential safety factor that would allow elimination of virus by treatment with the drug ganciclovir), but lack other HSV genes have been developed and have shown even more promise in CNS tumors.

A mutant HSV-1 called R3616, containing a 1000 base pair (bp) deletion in  $\gamma$ 34.5, with LD<sub>50</sub> (minimum dose of virus that kills 50% of infected animals) that is at least  $3 \times 10^3$  fold greater than wild type F strain virus from which it was derived, has been shown to improve the outcome of nude mice bearing intracranial human gliomas (Mineta et al, 1995).

In the work presented here, we have utilised an HSV-1 strain 17 mutant virus called 1716, that has a 759 bp deletion in each copy of  $\gamma$ 34.5 of the long repeat region (R<sub>L</sub>). The construction of mutant virus 1716 is described in published International patent application WO 92/13943 (PCT/GB92/00179) the contents of which are incorporated herein by reference. However, this patent publication is solely concerned with the use of mutant 1716 as a vaccine, either in itself or as a vector vaccine which includes a heterologous gene coding for an antigen.

WO 96/03997 (PCT/GB95/01791) includes data showing the efficacy of HSV 1716 against brain tumors.

#### SUMMARY OF THE INVENTION

The present invention is based on the surprising discovery that HSV which is  $\gamma$ 34.5 null is effective against non-neuronal cancers. Since HSV is known to

selectively inhabit the neuronal system (including the peripheral and central nervous system) and where it may remain in a latent state, it was unexpected that an HSV mutant could be effective against cancers of non-neuronal origin. Moreover, replication of the HSV mutant *in vivo* is restricted to the tumor cells so that "normal" non-tumor cells are unaffected.

Accordingly, the present invention provides the use of a mutant herpes simplex virus which has been modified in the  $\gamma 34.5$  gene such that the gene is non-functional, in the manufacture of a medicament for use in treating a non-neuronal cancer.

The invention also relates to a method of treating a non-neuronal cancer in a mammal, which method comprises the step of administering to the mammal an effective amount of a mutant herpes simplex virus which has been modified in the  $\gamma 34.5$  gene such that the gene is non-functional. The invention further provides an agent for treating a non-neuronal cancer, comprising a mutant herpes simplex virus which has been modified in the  $\gamma 34.5$  gene such that the gene is non-functional.

#### BRIEF DESCRIPTION OF THE FIGURES

Figure 1 shows an HSV-1716 single step viral growth curve on human malignant mesothelioma cells. Innoculum at time 0 was 5,000 plaque forming units (PFU) of virus (multiplicity of infection, MOI=0.1). At twenty-four hours the amount of virus present had increased by four logs over the initial input inoculum.

Figure 2 shows an MTT assay for human malignant mesothelioma cell viability as a function of time and varying MOI. The % of control growth is the ratio of mean MTT activity in infected cells (n=6 wells at each time point) to the activity in a matched uninfected cells (n=6 wells at each time point).

Figure 3 shows the mean tumor score in animals day 28 animals (tumor/HSV animals received  $5 \times 10^6$  pfu HSV-1716 on day 14). The mean tumor score in the control group was  $3.9 \pm 0.1$  versus a mean tumor score in the treatment group of  $1.4 \pm 0.2$  ( $p < 0.001$ );

Figure 4 shows an HSV-1716 viral dose response survival study. SCID mice received  $30 \times 10^6$  human malignant mesothelioma cells on day 0. Seven days later one animal was sacrificed to confirm tumor. The remaining animals were randomized into four groups: control (n=11, culture media), low dose (n=10,  $5 \times 10^4$  pfu HSV-1716), middle dose (n=10,  $5 \times 10^5$  pfu HSV-1716), and high dose (n=10,  $5 \times 10^6$  pfu-1716);

Figure 5 shows virus titer following infection of subconfluent monolayers of 1205 cells with 5,000 PFU of HSV-1716 or HSV17+; and

Figure 6 shows tumor volume of treated and control tumors at various times after viral therapy.

## 20 DETAILED DESCRIPTION OF THE INVENTION

For the purposes of the present invention "non-functional" means that the gene has been modified by deletion, insertion or substitution (or other change in the DNA sequence such as by rearrangement) such that it does not express the normal product or a functionally equivalent product. The effect of the non-functionality of the gene is that the neurovirulence of the virus to the patient is substantially removed. Each of the two  $\gamma 34.5$  genes is non-functional.

Thus the invention relies on the finding that rendering the  $\gamma 34.5$  gene non-functional provides an HSV mutant which is particularly effective in destroying dividing non-neuronal tumor cells, whilst at the same time the HSV mutant does not replicate within normal non-cancerous cells. It therefore has the potential to

provide a safe anti-cancer treatment.

Two types of herpes simplex virus are known HSV-1 and HSV-2 and either may be employed in the present invention to provide the HSV mutant. Inter-type  
5 recombinants containing DNA from both types could also be used. HSV-1 and HSV-2 mutants 1716, 1771, 2604, 2616 and 2621 are described herein.

The modification may be effected at any convenient point within the  $\gamma$ 34.5 gene, and such point generally  
10 corresponds to a restriction enzyme site or sites. The modification may be within the BamHI  $\Delta$  restriction fragment of each  $R_L$  terminal repeat (corresponding to 0-0.02 and 0.81 - 0.83  $\mu$ ). The modification is typically a deletion of 0.1 to 3kb, particularly 0.5 to 2.5kb, and  
15 especially 0.7 to 0.8 kb. The simple insertion of a stop codon is also effective in preventing production of the ICP 34.5 protein.

The HSV genome also includes a number of other genes which are non-essential to the successful culturing of  
20 the virus. Their removal may further contribute to the safety of the HSV mutant by further reducing neurovirulence and reducing the likelihood of recombination to the wild type. It is, of course, necessary to retain within the HSV mutant the ability to  
25 culture the mutant so that the mutant is self-replicating and stocks of the mutant can be grown in tissue culture. Lethal modifications of the genome which remove the ability to culture the HSV mutant are not acceptable, unless the missing gene products can be provided to the  
30 culture system in an alternative way e.g. by the use of a complementing cell line containing a plasmid which expresses the missing gene product.

Thus, in addition to the primary modification to the  $\gamma$ 34.5 gene of the  $R_L$  region, it may be advantageous to  
35 also include in the HSV mutant one or more secondary

modifications which are generally within non-essential genes unless the missing gene product can be provided in an alternative way.

5 The present invention also encompasses the use of an HSV mutant which includes in addition to the primary modification, a secondary modification (for example within Vmw65). The mutant may be derived from HSV-1 or HSV-2.

10 In a similar way, other secondary modifications may involve modification of the latency associated transcript (LAT) promoter so as to render the promoter non-functional and prevent transcription thereof.

15 Herpes simplex virus naturally infects the brain and nervous system. It is therefore surprising that the HSV mutant is effective against tumors outside the brain and nervous system. Such tumors may be metastatic tumors where the cancer cells originate elsewhere or may be primary tumors. The non-neuronal cancer being treated will generally be a primary cancer of non-neuronal cell type, or a secondary cancer of non-neuronal cell type which has metastasised to a non-neuronal (e.g. non-CNS) location in the patient's body.

20 On the basis of the results presented herein, which surprisingly show the ability of the HSV mutant to combat non-neuronal tumors, it is believed that the anti-tumor effectiveness of the HSV mutant extends to the treatment of non-neuronal (e.g. non-CNS) cancers in general, including the treatment of mesotheliomas, melanoma, ovarian carcinoma, and bladder cancer. The condition of a patient suffering from such a cancer can be improved. The treatment is particularly applicable to primary tumors which are localised, rather than metastatic tumors. The efficacy of treatment according to the invention employing the HSV mutant will depend on the time after origination of the tumor at which the

25  
30  
35



treatment is initiated, but efficacy is improved by early treatment for example in 1 to 30 days.

The LD<sub>50</sub> (minimum dose of virus that kills 50% of infected animals) of the 1716 mutant in respect of mice is 10<sup>6</sup> fold greater than that of the wild type 17+ virus from which it is derived (for cerebral tumors). Thus the neurovirulence of 1716 is essentially removed relative to the wild type virus.

The effective non-toxic dose of HSV mutant can be determined by routine investigation by the skilled addressee, and will depend on a number of factors including the particular species of mammal and the extent of development of the tumor. A guide can be obtained from the Examples herein, which show that in the mouse relatively high doses (4x10<sup>6</sup> pfu) can significantly improve survival. Preferred doses for mice are in the range 1x10<sup>4</sup> to 1x10<sup>8</sup> particularly 1x10<sup>6</sup> to 1x10<sup>7</sup> pfu. The doses for other mammals can be estimated accordingly by the skilled man. For humans doses will generally be in the range 1x10<sup>6</sup> to 1x10<sup>8</sup> pfu.

In a further aspect of the invention there is provided a method of treating non-neuronal cancer in mammals, in particular in humans by administering a pharmaceutical formulation comprising the HSV mutant to a mammal, in particular to humans. Thus, the method of treatment can comprise the administration of a pharmaceutical formulation comprising the HSV mutant by injection directly into the tumor, parenterally into the blood stream feeding the tumor or intraperitoneally. The tumor may be surgically removed or debulked prior to treatment with the HSV mutant.

It will usually be presented as a pharmaceutical formulation including a carrier or excipient, for example an injectable carrier such as saline or apyrogenic water. The formulation may be prepared by conventional means.

The following Examples illustrate the invention.

#### EXAMPLE 1

##### MATERIALS AND METHODS

##### 5 Mutants in the HSV RL1 gene

Our laboratory has isolated a number of deletion mutants and point mutants in the RL1 gene of both HSV-1 strain 17 and HSV-2 strain HG52.

##### 10 HSV-1 strain 17

##### 1716

The genome of this virus has a 759 bp deletion located within each copy of the BamHI fragment (0-0.02 and 0.81-0.83 map units) of the long repeat region of the  
15 genome. The deletion removes one complete copy of the 18 bp DR1 element of the 'a' sequence and terminates 1105 bp upstream of the 5' end of IE gene 1. Most of RL1 including the initiating methionine is removed and the mutant fails to make ICP34.5. Following intracerebral  
20 inoculation of mice, the LD<sub>50</sub> value of 1716 is 7x10<sup>6</sup>/mouse compared to <10 for the parental strain 17+.

Its production is described in published patent application WO 92/13943 (PCT/GB92/00179). The mutant virus was passaged for use in this study by Dr. Nigel N.  
25 Fraser (Philadelphia, PA).

##### 1771

The genome of this virus has a stop codon functional only in the assigned RL1 reading frame 9 bp downstream from the initiating ATG. The LD<sub>50</sub> value of 1771 is >10<sup>6</sup>  
30 PFU/mouse following intracerebral inoculation and its latency phenotype is indistinguishable from 1716. 1771 fails to synthesize ICP34.5.

##### HSV-2 strain HG52 mutants.

##### 2604

35 This virus has a deletion of 1488 bp in both long

repeats of the genome which extends from the DR1/Ub boundary of the 'a' sequence to 511 bp upstream of the 5' end of IE1. The deletion removes the whole of RL1. 2604 has a LD<sub>50</sub> value of >10<sup>7</sup> PFU/mouse compared to <10<sup>7</sup> for wild type strain HG52. Although formal proof of lack of synthesis of ICP34.5 has not been obtained due to the unavailability of an antiserum which detects the type 2 protein, the phenotype of the virus *in vivo* has been shown to be unambiguously due to the RL1 deletion.

10     2616

This virus has 786 bp of both copies of RL1 deleted but retains 782 bp upstream of the 5' end of IE1 and 463 bp downstream of the "a" sequence. The LD<sub>50</sub> value of 2616 on intracerebral inoculation is >10<sup>6</sup> PFU/mouse.

15     2621

This virus has a stop codon inserted only in the RL1 open reading frame 9 bp downstream of the initiating methionine within exon 1. The virus has a LD<sub>50</sub> of >10<sup>7</sup> PFU/mouse following intracerebral inoculation.

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In vitro studies of HSV-1716 on a Human Malignant Mesothelioma Cell Line.

A human malignant mesothelioma cell line called REN was isolated, characterised, and passaged as previously described by our laboratory. To construct a single step viral growth curve, REN cells were plated on six-well plates at a density of 500,000 cells/well and infected 24 hours later with HSV-1716 at a multiplicity of infection (MOI) of 0.01 (5000 pfu/well). One well was harvested at 0, 6, 12 and 24 hours by cell scraping and collection of the media. The samples were freeze/thawed and titered on Baby Hamster Kidney cell monolayers. A cell viability assay was performed by plating REN cells in 96 well plates at a density 20,000 cells per well. Twenty four hours later the cells were infected with HSV-1716 at

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MOI's of 0,0.001, 0.01, 0.1. Six wells were infected at each MOI. Three complete 96 well plates were constructed to allow for viability assay at 24, 48 and 72 hours. Viable cell number was assessed by a colorimetric assay (Cell Titer 96% Aqueous Non-radioactive MTT Cell Proliferation Assay; Promega Corporation, Madison, WI) that measures viable cell dehydrogenase activity by absorbance. The present control growth is defined as the ratio of the mean absorbance of six treatment wells at 490nm to the mean absorbance of six untreated matched controls.

#### In vivo Studies

A previously described model of human malignant mesothelioma growing in the peritoneal cavity of SCID mice was utilised for all in vivo experimentation (Smythe et al, 1994a; Smythe et al, 1994b).

Briefly, SCID mice were obtained and housed at the animal facilities of the Wistar Institute (Philadelphia, PA). On day 0, animals were injected intraperitoneally with  $30 \times 10^6$  REN cells in 1 cc of cell culture media. For the tumor burden study treatment animals were given  $4 \times 10^6$  pfu of HSV-1716 in culture media by intraperitoneal injection on day 14. Control animals received an equivalent volume of culture media.

The animals were examined daily and sacrificed by cervical dislocation on day 28. The amount of tumor burden was assessed using a four-point semiquantative scale which accounts for both gross and microscopic disease. Briefly, animals were assessed for tumor in the following four areas: stomach/pancreas, portal region, retroperitoneum/diaphragm, and small bowel mesentary.

On gross examination animals received either a score of 0 if no tumor was present or a score of 1 in each of the four designated areas where gross tumor was seen. If

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no gross tumor was visible, H & E stained paraffin embedded sections of each organ from the designated area were examined in a blinded fashion by a clinical pathologist. The sections were scored as either 0 for no  
5 microscopic tumor or 0.5 if microscopic tumor was present. Thus, the tumor scores ranged for 0 to 4.0. Organs including: brain, heart, lungs, liver, stomach, pancreas, kidney, adrenals, spleen, gonads, small bowell, and diaphragm were obtained from each animal. Each organ  
10 was divided by thirds with equal samples designated for frozen section, formalin fixation and DNA extraction.

For the initial survival study, 18 animals were injected intraperitoneally with  $30 \times 10^6$  REN cells in 1 cc of cell culture media (day 0). On day 7, one animal  
15 was sacrificed for gross tumor confirmation and the remaining animals were randomized to the treatment group (n=8) and the control group (n=9). Treatment animals received  $4 \times 10^6$  pfu of HSV-1716 by intraperitoneal injection; control animals received an equal volume of  
20 culture media. The animals were checked daily and followed for survival. An identical protocol was followed for the dose response study except the animals were randomized into the control group (n=10), the high dose group (n=10,  $4 \times 10^6$  pfu HSV-1716), the middle dose  
25 group (n=10,  $4 \times 10^5$  pfu HSV-1716) and the low dose group (n=10,  $4 \times 10^4$  pfu HSV-1716).

#### Histology and Immunohistochemistry

Tissue samples were obtained at necropsy. A portion  
30 of each specimen was fixed in 10% neutral buffered formalin overnight, paraffin embedded, sectioned and stained with hematoxylin and eosin for microscopic examination. Immunohistochemical staining for HSV infection was performed on frozen tissue sections with a  
35 commercially available polyclonal antibody for cell

surface HSV antigens (DAKO, Carpinteria, CA).

#### In vivo Dissemination and Restriction Studies

5 In order to look for dissemination of HSV-1716, we performed PCR looking for the herpes virus thymidine kinase gene (tk) on the collected tissues from two animals in the tumor burden study. Genomic DNA was obtained by standard phenol/chloroform extraction and amplified by PCR. The PCR primers (5' ATGG CTTT TCGT  
10 ACCC CTGC CAT AND 3' GGTA TCGC GCGG GGGG GTA) were designed to span a region of the HSVtk gene generating a 536 bp fragment. Ten microliters of DNA extract from each tissue sample was subjected to 35 cycles of PCR using the tk primers. The tk plasmid as well as DNA  
15 brain tissues from an animal infected with wild type HSV-17+ were used as positive controls. PCR products were run on ethidium bromide 1.5% agarose gels and then blotted overnight onto Zeta-Probe GT Blotting Membranes (Bio-Rad Laboratories, Hercules, CA). The membrane was  
20 probed using a <sup>32</sup>P-labeled portion of the HSVtk plasmid corresponding to the 536 bp PCR generated tk fragment.

#### RESULTS

##### 25 HSV-1716 Efficiently Replicates in a Human Malignant Mesothelioma Cell Line and Lyses the Cells In Vitro.

To determine the ability of HSV-1716 to replicate within a non-CNS human tumor cell line in vitro, we performed a single step viral growth curve in REN cells (a human malignant mesothelioma cell line isolated and  
30 characterised from a clinical specimen in our laboratory). As shown in Figure 1, REN cells supported rapid growth of the virus. At time 0, 70% of the input viral innoculum was recovered. By 6 hours, the number of recovered active viral particles fell by a factor of 200  
35 as expected due to viral uptake and disassembly in

preparation for viral replication. Twelve hours later, viral recovery increased to a level near the input inoculum. By 24 hours, a 4-log increase over the initial inoculum was obtained demonstrating efficient replication of HSV-1716 on REN cells.

To demonstrate the ability of HSV-1716 to lyse REN cells, we next performed an in vitro target cell viability assay. As shown in Figure 2, HSV-1716 efficiently lysed target cells in a time and dose-responsive fashion. By 72 hours, at an MOI=1.0, less than 20% of the cells remained viable when compared to matched uninfected control cells. Similar results have been obtained with a second human mesothelioma line, I-45 (data not shown).

Unlike Wild-type HSV-1, HSV-1716 Infection and Replication is Restricted to Tumor Cells in an In vivo SCID Mouse Model of Human Mesothelioma.

As expected, intraperitoneal injection of SCID mice with  $5 \times 10^6$  pfu of wild type HSV-17+ led to rapid spread of the virus, neurological dysfunction, and death of all animals by 7 days. To determine the extent of HSV infection, organs from animals sacrificed 72 hours after wild type injection were analysed immunohistochemically with a polyclonal antibody recognising HSV-antigens. Positive cells were clearly seen in the myenteric ganglia of the small intestine, adrenal glands, and brain. In contrast, non-tumor bearing SCID mice injected with the same dose of HSV-1716 remained healthy. Immunohistochemistry for HSV antigens was negative 72 hours after infection.

To test the ability of HSV-1716 to infect and replicate within human tumors in vivo, SCID mice were injected intraperitoneally with 30 million human REN cells. After 14 days, diffuse macroscopic 5-8 mm tumor

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nodules were present. At this time,  $5 \times 10^6$  pfu of HSV-1716 were instilled into the peritoneal cavity; 72 hours later, the animals were sacrificed and the abdominal organs processed for immunohistochemistry to detect HSV-proteins. Microscopic examination revealed that virtually all tumor nodules showed necrosis, infiltration with mononuclear inflammatory cells, multinucleated cells and nuclear inclusions consistent with active herpetic infection. In contrast, no viral cytopathic changes were seen in any normal tissues. To directly detect HSV infection, tumors and organs were stained with an anti-HSV antibody. A large percentage of the tumor cells stained positively for HSV antigens while surrounding normal tissues, as well as other normal tissues examined, showed no positive staining. Specifically liver, kidney, spleen, small bowel, myenteric plexuses, adrenal glands, spinal cord and brain were negative. Similar results were obtained at days 5, 7, 9 and 11 after infection, however, the number of positive cells appeared to decrease at the later time points, possibly due to a decrease in available tumor substrate.

HSV-1716 Does Not Persist Following Intraperitoneal Injection in Tumor-Bearing Mice.

To more sensitively detect the persistence and dissemination of HSV-1716 after intraperitoneal injection, we used the polymerase chain reaction (PCR) to detect the presence of Herpes Simplex Thymidine Kinase (HSVtk) DNA. The results from two tumor-bearing animals demonstrated no HSVtk dissemination and no HSVtk persistence two weeks after intraperitoneal injection. In contrast, one animal who was given HSV-17+ as a positive control, demonstrated HSVtk dissemination to the brain within 72 hours after intraperitoneal injection.

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HSV-1716 reduces intraperitoneal tumor burden and markedly prolongs survival in a SCID mouse model of human mesothelioma.

To determine the ability of HSV-1716 infection to  
5 eradicate established tumor,  $5 \times 10^6$  plaque forming units  
(pfu) of HSV-1716 were given by intraperitoneal injection  
to animals that had been injected intraperitoneally 14  
days previously with 30 million REN tumor cells. Animals  
10 at this time had established intraperitoneal tumors that  
consisted of multiple 5 to 8 mm nodules with portal  
invasion and gallbladder distension. Two weeks later,  
animals were sacrificed and the tumor burden was assessed  
using a previously developed semi-quantitative scale  
which accounts for both gross and microscopic tumor  
15 (Hwang et al, 1995). The tumor score ranges from 0 (no  
gross or microscopic tumor) to a maximum score of 4.0.  
Figure 3 shows a significant reduction in the mean tumor  
score at day 28 in tumor-bearing animals (n=12) treated  
with HSV-1716 as compared to the mean tumor score in  
20 control animals (n=8). The mean tumor score in the  
treatment group was  $1.4 \pm 0.2$  compared with a mean tumor  
score in the control group of  $3.9 \pm 0.1$  (p,0.001). All  
animals in the control group survived the study period.  
There was one death in the treatment group that occurred  
25 5 days after viral administration. Gross examination  
failed to reveal the cause of death; microscopic  
examination was not possible due to autolysis.

To determine if this decrease in tumor mass  
conferred a survival advantage to SCID mice bearing  
30 established intraperitoneal REN tumors, a second set of  
tumor-bearing animals were injected with  $5 \times 10^6$  pfu of  
HSV-1716 two weeks after intraperitoneal injection of  
tumor cells and followed for survival. The median  
survival was increased from 47 days in the control group  
35 (n=9) to 95 days in the treatment group (n=10). After

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102 days, the remaining 3 surviving animals were sacrificed and necropsied. All deaths in the control group were a result of bulky intraperitoneal disease; no external tumor nodules were visible at the initial tumor injection site. Interestingly, deaths in the treatment group occurred at two distinct time points. Three animals died shortly after HSV-1716 administration. There was no evidence of bulky disease at this time. The majority of the other animals died around day 100 due to bulky malignant disease that extended from large subcutaneous nodules arising on the anterior abdominal wall. These nodules corresponded to the site of the initial tumor injection and the tumor appeared to be growing inward from the anterior abdominal with invasion into the peritoneal cavity. There were no deaths in a cohort of non-tumor bearing animals (n=5) who received the same dose of HSV-1716 by intraperitoneal injection.

A second survival study was performed to determine the viral dose response. Tumor bearing animals were randomised to control (n=11) and treatment groups (low dose -  $4 \times 10^4$  pfu HSV-1716, n=10; middle dose -  $4 \times 10^5$  pfu HSV-1716, n=10; and high dose -  $4 \times 10^6$  pfu HSV-1716, n=10). As shown in Figure 4, treatment with high dose HSV-1716 significantly improved survival when compared to control animals (p=0.0011 by Mantel-Cox logrank test). Seventy percent of the high dose animals were alive at day 90; however, 5 out of the 7 developed subcutaneous tumor nodules on the anterior abdominal wall corresponding to the initial tumor injection site. The low and middle dose treatment animals also demonstrated a significant improvement in survival when compared to the control animals (p=0.0003 for control vs. middle dose and p=0.0019 for control vs. low dose by Mantel-Cox logrank test). There was no difference in survival between the low and middle dose animals (p=0.65).

## DISCUSSION OF RESULTS

These results demonstrate that the mutant "replication-restricted" Herpes Simplex Virus-1716 can reduce tumor burden and significantly prolong survival in an animal model of non-CNS localised human malignancy. Furthermore, we have shown that the HSV-1716 mutant is "replication-restricted" to malignant cells, in that it does not disseminate or persist after intraperitoneal injection into SCID mice bearing human tumors. These findings suggest that this virus is efficacious and safe for use in localised human malignancies of non-neuronal origin such as malignant mesothelioma, ovarian carcinoma, or bladder cancer.

The "replication-restriction" of HSV-1716 is provided by deletion of the  $\gamma$ 34.5 gene. The function of this gene is still unclear, however, the loss of the  $\gamma$ 34.5 gene has been shown correlate with a loss of neurovirulence.<sup>24</sup> There are also likely additional functions of this gene that allow for the restricted replication seen in our malignant mesothelioma cell lines.

## EXAMPLE 2

### MATERIALS AND METHODS

#### 25 Studies of HSV-1716 on a Human Melanoma Cell Line

The use of replication restricted HSV-1716 to treat experimental human malignant melanoma outside the CNS was investigated as follows. Tests were carried out on mice *in vivo*.

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#### Tumor Cells:

Human melanoma cell lines were a generous gift from Meenhard Herlyn (Wistar Institute, Phila, PA). Line 1205 was isolated as previously reported (Juhasz et al., 1993) and the other 25 lines were isolated in a similar

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fashion. Cells were grown in plastic flasks in AUTO-POW media containing penicillin, streptomycin, and 5% calf serum at 37°C in a humidified environment with 5% CO<sub>2</sub>.

5 Virus Production:

To produce virus stocks, subconfluent monolayers of baby hamster kidney 21 clone 13 (BHK) cells were infected with HSV strains 1716 or wild type 17+. Virus was concentrated from the culture and titrated by plaque  
10 assay (Spivack & Fraser, 1987). All viral stocks are stored frozen at -80°C, and thawed rapidly just prior to use.

Production of UV Inactivated Virus:

15 Ultraviolet inactivation of HSV was performed using the method of Notarianni and Preston (Notarianni & Preston, 1982). After inactivation, the viral suspension was titered on BHK cells to confirm that it could no longer establish a lytic infection, stored frozen at  
20 -80°C, and thawed rapidly just prior to use.

Viral Growth Kinetics Assay

Subconfluent monolayers of 1205 cells (5x10<sup>5</sup> cells in six well plastic tissue culture plates) were infected  
25 with 5x10<sup>3</sup> PFU of HSV-1716 in 1 ml of AUTO-POW media containing penicillin, and streptomycin. For the time 0 measurement the cell monolayer was scrapped off into the viral inoculum suspension immediately, and frozen at -80°C. For the remaining time points, the viral inoculum  
30 was incubated on the cell monolayer at 37°C for one hour with gentle rocking, and then aspirated off. The infected monolayers were washed twice with media, and resuspended in 1 ml of AUTO-POW media containing penicillin, streptomycin, and 5% calf serum. At the  
35 appropriate times post infection, the monolayers were

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harvested with a cell scraper, and the suspension frozen at -80°C. Following 2 cycles of freezing and thawing, each sample was titrated by plaque assay on BHK cells (Spivack & Fraser, 1987).

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#### Intracutaneous Tumor Production and Assays:

Mice were anesthetized with intramuscular ketamine/xylazine (87mg/kg ketamine/13mg/kg xylazine). A patch of hair was removed from one flank using a chemical depilatory agent (Magic Shaving Powder, Carson Products Co., Savannah, GA). Intracutaneous injection of  $1 \times 10^5$  1205 melanoma cells in a total volume of 50  $\mu$ L was performed using a Hamilton syringe, and a disposable 28 g needle. Tumor volumes were calculated based on a radius obtained from orthogonal measurements of tumor diameters using a micrometer-caliper, and assume a spherical tumor shape. On day 14 post tumor cell injection mice were randomly divided into three groups. One group was treated with a 25  $\mu$ L intratumoral injection of  $2.5 \times 10^6$  PFU of HSV-1716 using a Hamilton syringe, and a disposable 30g needle. The second and third groups were injected respectively with an equal volume of UV-inactivated HSV-1716 or viral culture medium alone as comparisons.

#### 25 Immunohistochemistry:

Viral antigen expressing cells were detected by the indirect avidin-biotin immunoperoxidase method (Vector Labs, Burlingame, CA) as specified by the manufacturer with slight modifications developed in our laboratory (Gesser et al., 1994). Rabbit antiserum to HSV-1 (Dako Corp., Carpinteria, CA) was used at a dilution of 1:1000.

#### Statistical Analysis:

Data analysis including calculations of means, standard deviations and ANOVA was performed using

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StatView statistical software (Abacus Concepts, Berkeley CA) on an Apple MacIntosh computer (Cupertino, CA).

## RESULTS

### 5    HSV-1716 and HSV-17+ replicate efficiently in human melanoma cells.

Subconfluent monolayers of 1205 cells were infected with  $5 \times 10^3$  PFU of HSV-1716 or HSV17+. For the time 0 measurement the cell monolayer was scrapped off into the viral inoculum suspension immediately, and frozen. For 10 the remaining time points, the viral inoculum was incubated on the cell monolayer at 37°C for one hour with gentle rocking, and then aspirated off. The infected monolayers were washed twice with media, and resuspended 15 in 1 ml of AUTO-POW media containing penicillin, streptomycin, and 5% calf serum. At the appropriate times post infection the monolayers were harvested with a cell scraper, and the suspension frozen at -80°C. Following 2 cycles of freezing and thawing, each sample 20 was titrated by plaque assay on BHK cells. The results are shown in Figure 5. The data shown represent the mean  $\pm$  standard deviation of triplicate determinations at each time point.

### 25    Replication of HSV-1716 is restricted to Melanoma Cells following injection into pre-formed intracutaneous tumor nodules (data not shown).

Intracutaneous tumors were produced by injection of  $1 \times 10^5$  1205 melanoma cells into SCID mice. On day 14 post tumor cell injection, some mice were treated with an 30 intratumoral injection of  $2.5 \times 10^6$  PFU of HSV-1716, while control mice received an equivalent volume of UV inactivated virus. Sections were taken from a control tumor treated with UV inactivated 1716, and harvested 10 35 days later. Sections were also taken from a tumor

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treated with HSV-1716, and harvested 5 days later; and harvested 10 days later. The tumor and surrounding skin were excised, fixed, stained immunohistochemically for HSV-1, and counter stained with hematoxylin.

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Intratumoral Treatment of pre-formed intracutaneous melanoma with HSV-1716 causes a significant inhibition of tumor progression.

Anesthetised mice were injected intracutaneously with  $10^5$  melanoma cells. On day 15 post tumor cell injection, mice were randomly divided into three groups. One group was treated with a 25 $\mu$ l intratumoral injection of  $2 \times 10^6$  PFU of HSV-1716, and animals in the two control groups were injected with either an equal volume of UV-inactivated 1716, or viral culture medium. The results are shown in Figure 6. The data shown represent the mean  $\pm$  standard deviation of 10 mice at each point.

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DISCUSSION OF RESULTS

As an initial step in assessing the viability of HSV based therapy of human intracutaneous melanoma, the efficiency of HSV-1716 replication was determined for human melanoma cell line 1205, and compared to the replication of HSV-17+, the parental strain from which HSV-1716 was derived. As shown in Figure 5, the replication cycle of HSV-1716 in these cells is approximately 24 hrs, and each replication cycle yields an approximately 4 log fold increase in lytically active virus. The kinetics of virus production were nearly identical for HSV-1716 and HSV-17+. An additional 25 human melanoma cell lines were tested for lytic replication of HSV, and all of these replicated HSV-1716 and HSV-17+ efficiently in vitro (data not shown).

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We next evaluated whether replication of HSV-1716 could be demonstrated in vivo in pre-formed

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intracutaneous human melanoma nodules growing in SCID mouse skin, and importantly we evaluated if replication of the virus was detectable in surrounding normal tissues. This was accomplished by immunohistochemical evaluation of treated tumors and surrounding tissues. Immunohistochemical staining of intracutaneous 1205 melanoma nodules with antibody to HSV at 5 days or 10 days after intratumoral injection of HSV-1716 demonstrated positive staining that was dispersed throughout a large area of the tumor. At these times a significant portion of the HSV-1716 treated tumor nodules were necrotic. Moreover, no staining was seen in normal murine tissues surrounding the tumor nodules in these and all other sections examined. No staining, and no significant necrosis was seen in the representative control tumor treated with UV-inactivated HSV-1716 and subjected to the full immunohistochemical protocol.

After determining that HSV-1716 exhibits restricted replication within intracutaneous melanoma, we performed intratumoral therapy on pre-formed tumors, to test the efficacy of this approach. Figure 6 shows the tumor volume of treated and control tumors at various times after viral therapy, and demonstrates that HSV-1716 significantly inhibits progression of pre-formed intracutaneous melanoma. UV inactivated HSV-1716 had no effect on tumor progression relative to nodules injected with viral culture medium alone. Of the ten tumor bearing mice treated with HSV-1716, three had complete involution of melanoma nodules such that no palpable tumors were present from day 21 on. ANOVA analysis of the tumor volume data demonstrated that the effect of HSV-1716 treatment is statistically significant ( $p < 0.0001$ ) at all times post treatment examined. In none of the HSV-1716 treated animals was there any mortality or morbidity noted.



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It is therefore apparent from Figure 6 that HSV-1716 has the ability to reduce melanoma tumor size *in vivo* in mice into which melanoma tumors have been introduced by intracutaneous injection.

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CLAIMS

1. Use of a mutant herpes simplex virus which has been modified in the  $\gamma$ 34.5 gene such that the gene is non-functional, in the manufacture of a medicament for use in treating a non-neuronal cancer.  
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2. Use according to claim 1, wherein the medicament is for use in treating a human with a non-neuronal cancer.
3. Use according to claim 1 or 2, wherein the  
10 cancer is a primary tumor.
4. Use according to claim 1 or 2, wherein the cancer is a metastatic tumor.
5. Use according to claim 1 or 2, wherein the cancer is a mesothelioma, ovarian carcinoma, bladder  
15 cancer or melanoma.
6. Use according to any one of the preceding claims, wherein the mutant herpes simplex virus is a type 1 herpes simplex virus.
7. Use according to any one of the preceding  
20 claims, wherein the mutant herpes simplex virus has been modified within the BamHI restriction fragment of the long terminal repeat of the viral genome.
8. Use according to claim 7, wherein the modification is a deletion of from 0.1 to 3kb.
- 25 9. Use according to claim 8, wherein the deletion is from 0.7 to 0.8kb.
10. Use according to any one of the preceding claims, wherein the mutant herpes simplex virus is strain 1716.
- 30 11. A method of treating a non-neuronal cancer in a mammal, which method comprises the step of administering to the mammal an effective amount of a mutant herpes simplex virus which has been modified in the  $\gamma$ 34.5 gene such that the gene is non-functional.
- 35 12. An agent for treating a non-neuronal cancer,

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comprising a mutant herpes simplex virus which has been modified in the  $\gamma$ 34.5 gene such that the gene is non-functional.

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Fig.1.

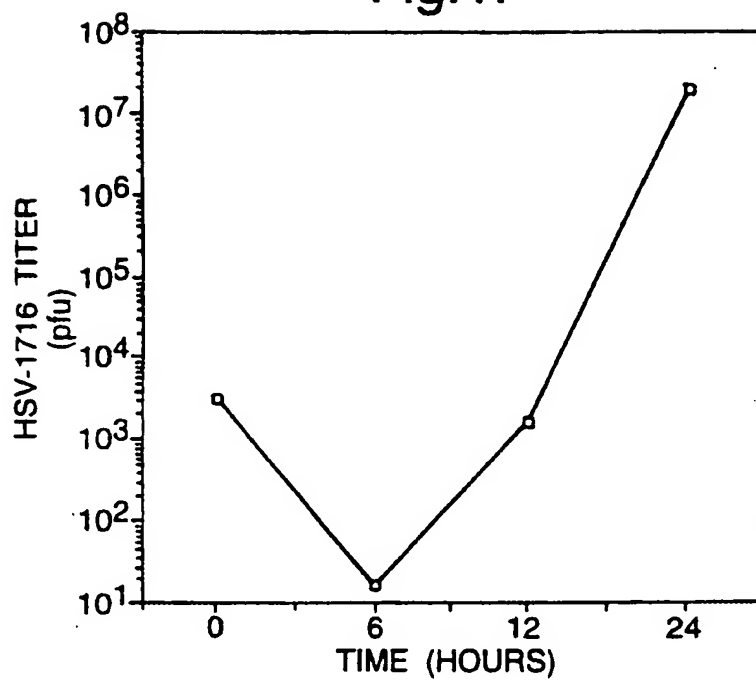
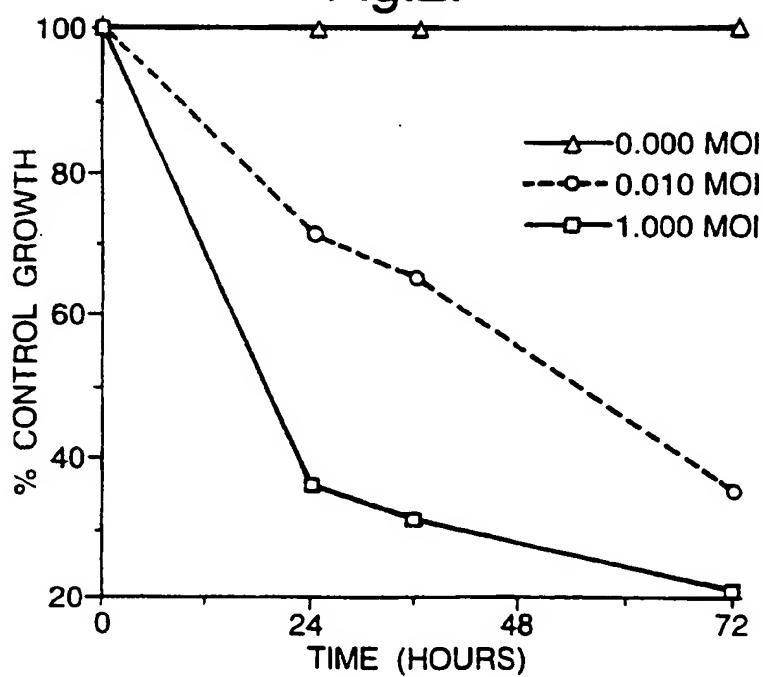


Fig.2.



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Fig.3.

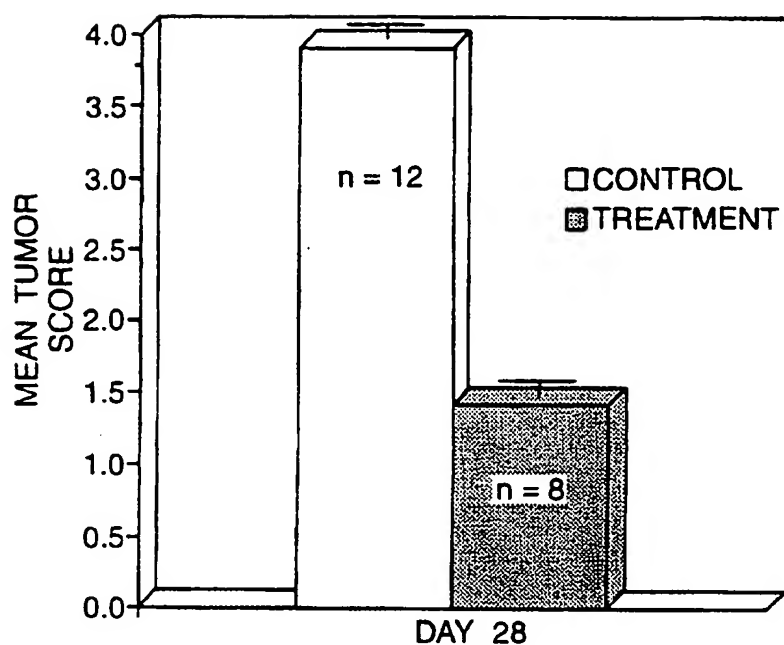
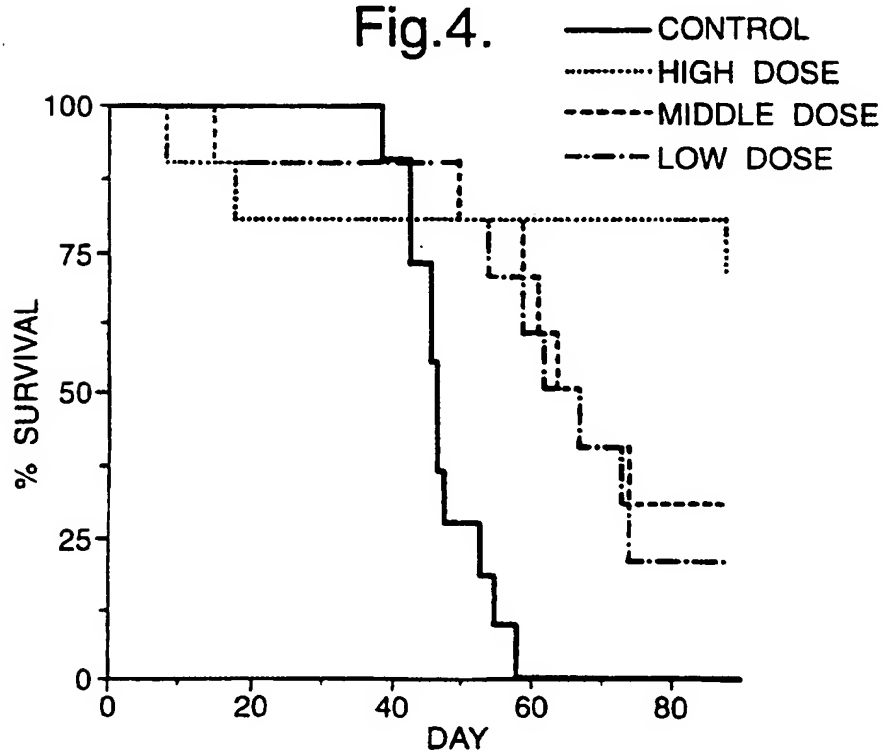


Fig.4.



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Fig.5.

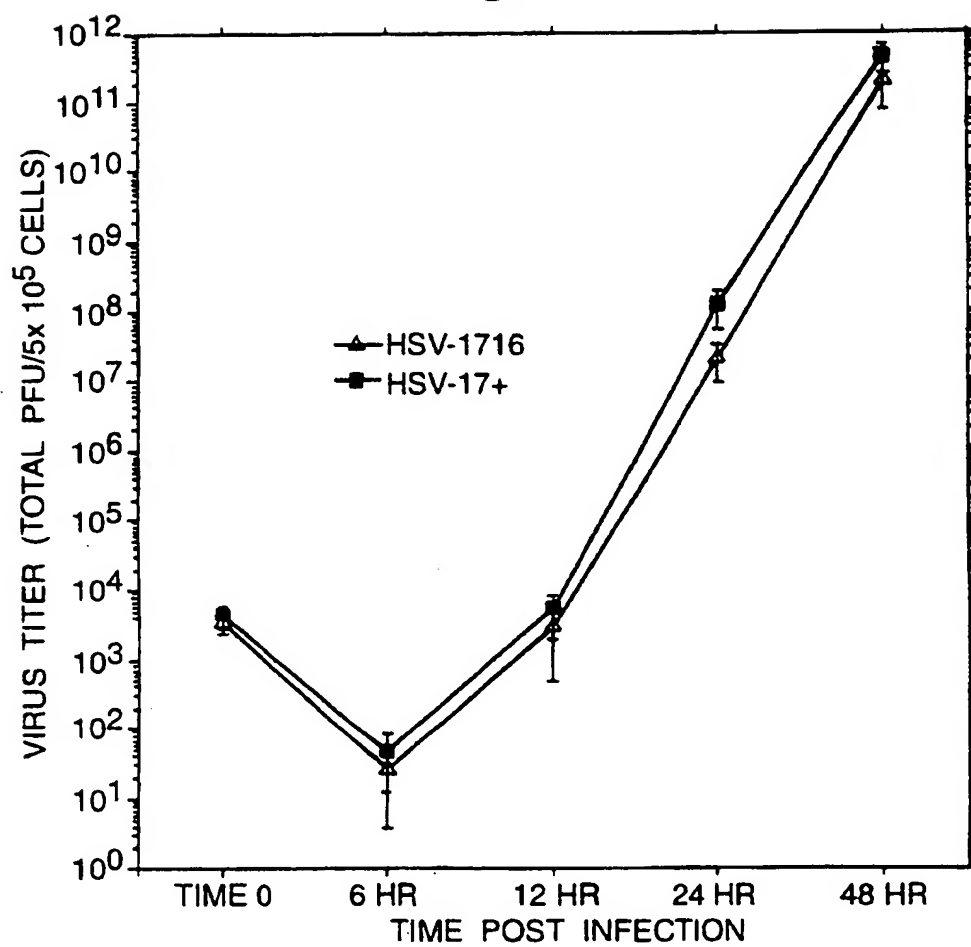
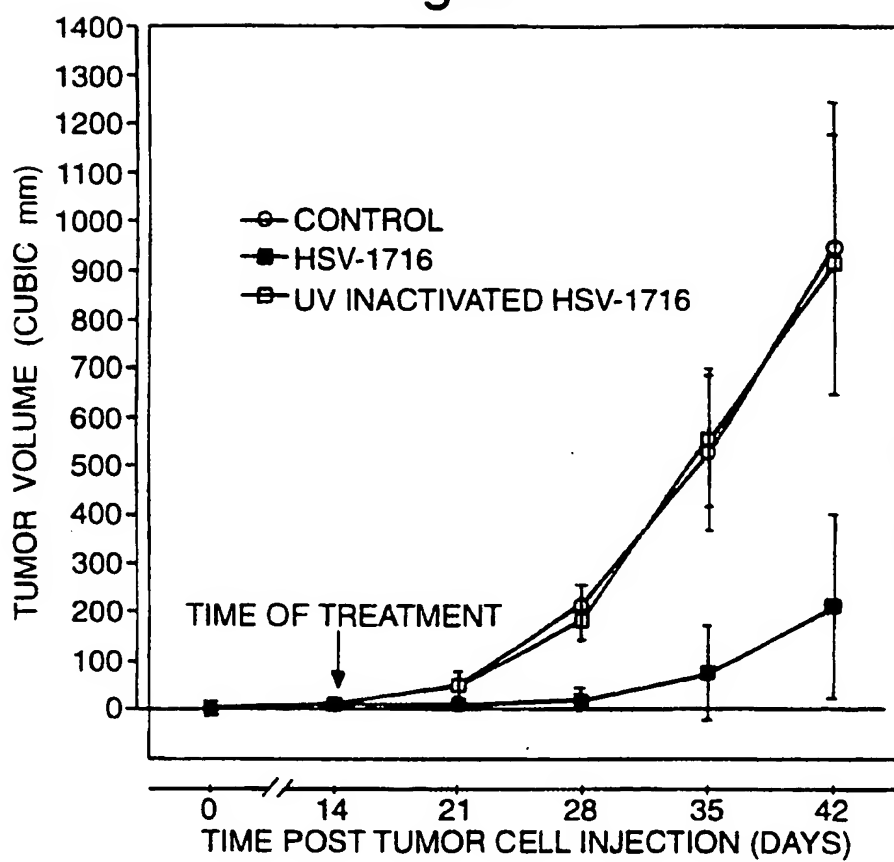


Fig.6.





# INTERNATIONAL SEARCH REPORT

In. .ional Application No  
PCT/GB 97/00232

**A. CLASSIFICATION OF SUBJECT MATTER**  
IPC 6 A61K35/76

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)  
IPC 6 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	VIROLOGY, vol. 211, no. 1, 1 August 1995, pages 94-101, XP000561228 RANDAZZO B P ET AL: "TREATMENT OF EXPERIMENTAL INTRACRANIAL MURINE MELANOMA WITH A NEUROATTENUATED HERPES SIMPLEX VIRUS 1 MUTANT" see page 94, abstract ---	1-12
X	WO 96 00007 A (UNIV GEORGETOWN) 4 January 1996 see page 4, line 30 - page 6, line 15 see page 23 - page 28; example 1 --- -/--	1-6, 11, 12

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

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# INTERNATIONAL SEARCH REPORT

1. International Application No  
PCT/GB 97/00232

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 92 13943 A (SMITHKLINE BEECHAM BIOLOG) 20 August 1992 cited in the application see page 2, line 19 - page 4, line 31 see page 5, line 14 - page 9, line 16 ---	12
X	WO 92 04050 A (ROIZMAN BERNARD) 19 March 1992 see page 3, line 11 - page 5, line 19 ---	12
X	WO 93 19591 A (ARCH DEV CORP) 14 October 1993 see page 10, line 29 - page 11, line 9 ---	12
X	DATABASE MEDLINE FILE SERVER STN KARLSRUHE ABSTRACT 96083561, KESARI ET AL: "THERAPY OF EXPERIMENTAL HUMAN BRAIN TUMOURS USING A NEUROATTENUATED HERPES SIMPLEX VIRUS MUTANT" XP002029649 see abstract & LABORATORY INVESTIGATION, vol. 73, no. 5, November 1995, pages 636-648, ---	12
P,X	WO 96 03997 A (MEDICAL RES COUNCIL ;WISTAR INST (US); MACLEAN ALASDAIR RODERICK () 15 February 1996 cited in the application see page 4, paragraph 5 - page 8, paragraph 2 see page 18 - page 19; example 1 ---	1-12
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# INTERNATIONAL SEARCH REPORT

International application No.

PCT/GB 97/00232

## Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: 11  
because they relate to subject matter not required to be searched by this Authority, namely:  
Remark: Although claim 11 is directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
2. ☐ Claims Nos.:  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

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- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/GB 97/00232

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
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## INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

<b>(51) International Patent Classification <sup>6</sup> :</b> <b>A61K 35/76</b>	<b>A1</b>	<b>(11) International Publication Number:</b> <b>WO 97/26904</b> <b>(43) International Publication Date:</b> 31 July 1997 (31.07.97)
<b>(21) International Application Number:</b> PCT/GB97/00232 <b>(22) International Filing Date:</b> 27 January 1997 (27.01.97)  <b>(30) Priority Data:</b> 9601507.8 25 January 1996 (25.01.96) GB 9623365.5 9 November 1996 (09.11.96) GB  <b>(71) Applicants (for all designated States except US):</b> MEDICAL RESEARCH COUNCIL [GB/GB]; 20 Park Crescent, London W1N 4AL (GB). THE WISTAR INSTITUTE [US/US]; 3601 Spruce Street, Philadelphia, PA 19104-4268 (US). THE UNIVERSITY COURT OF THE UNIVERSITY OF GLASGOW [GB/GB]; 2 The Square, University Avenue, Glasgow G12 8QQ (GB).  <b>(72) Inventors; and</b> <b>(75) Inventors/Applicants (for US only):</b> BROWN, Susanne, Moira [GB/GB]; Neurovirology Research Laboratories, Institute of Neurological Sciences, Southern General Hospital NHS Trust, Glasgow G51 4TF (GB). MACLEAN, Alasdair, Roderrick [GB/GB]; MRC Virology Unit, Church Street, Glasgow G11 5JR (GB). FRASER, Nigel, William [GB/US]; The Wistar Institute, 3601 Spruce Street, Philadelphia, PA 19104-4268 (US). RANDAZZO, Bruce, Paul [US/US]; University of Pennsylvania Medical Center, 4 Silverstein, 3400		Spruce Street, Philadelphia, PA 19104 (US). ALBELDA, Steven [US/US]; University of Pennsylvania Medical Center, 4 Silverstein, 3400 Spruce Street, Philadelphia, PA 19104 (US). KAISER, Larry [US/US]; University of Pennsylvania Medical Center, 4 Silverstein, 3400 Spruce Street, Philadelphia, PA 19104 (US).  <b>(74) Agent:</b> WOODS, Geoffrey, Corlett; J.A. Kemp & Co., 14 South Square, Gray's Inn, London WC1R 5LX (GB).  <b>(81) Designated States:</b> AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CU, CZ, DE, DK, EE, ES, FI, GB, GE, HU, IL, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, TJ, TM, TR, TT, UA, UG, US, UZ, VN, ARIPO patent (KE, LS, MW, SD, SZ, UG), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, ML, MR, NE, SN, TD, TG).  <b>Published</b> <i>With international search report.</i>
<b>(54) Title:</b> TREATMENT OF NON-NEURONAL CANCER USING HSV MUTANT  <b>(57) Abstract</b>  A mutant herpes simplex virus which has been modified in the $\gamma$ 34.5 gene such that the gene is non-functional is used to treat a non-neuronal cancer such as a mesothelioma, ovarian carcinoma, bladder cancer or melanoma. Typically, the mutant herpes simplex virus has been modified within the BamHI restriction fragment of the long terminal repeat of the viral genome.		

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TREATMENT OF NON-NEURONAL CANCER  
USING HSV MUTANT

FIELD OF INVENTION

5           The present invention relates to the treatment of non-neuronal cancer tumors, particularly mesotheliomas, melanoma, ovarian carcinoma or bladder cancer whether the tumors are metastatic tumors or primary tumors.

10          BACKGROUND OF THE INVENTION

          The DNA sequence of herpes simplex type 1 (HSV-1) is known and is linear with a length of about 152k residues. It consists of two covalently linked segments, designated long (L) and short (S). Each segment contains a unique  
15          sequence flanked by a pair of inverted terminal repeat sequences. The long repeat ( $R_L$ ) and short repeat ( $R_S$ ) are distinct. The unique long ( $U_L$ ) region includes genes UL1 to UL56, and the  $U_S$  region includes genes US1 to US12.

20          The  $U_L$  region is flanked by a terminal repeat region (TRL) and an internal repeat region (IRL) which lies adjacent the IRS of the  $U_S$  region. Two genes RL1 and RL2 lie within each of the repeat regions TRL and IRL. The RL1 gene codes for the protein ICP 34.5, and this  
25          gene is referred to herein as  $\gamma$ 34.5.

          A number of naturally occurring and artificially-engineered HSV-1 mutants have recently been identified that appear to replicate preferentially in transformed cells (Martuza et al, 1991; Mineta et al, 1994). Because  
30          of the natural tropism of wild type herpes virus for neuronal tissue, the published uses of modified, replicating HSV to treat cancer have centered around tumors of CNS (central nervous system) origin. Initial experiments utilising HSV-1 mutants with deletions in the  
35          thymidine kinase gene (HSV-TK<sup>-</sup>) showed dose dependent

improvement in the survival of nude mice bearing human gliomas, medulloblastoma, malignant or atypical meningioma and neurofibrosarcoma both *in vitro* and in tumor bearing nude mice (Martuza *et al*, 1991; Markert *et al*, 1993). More recently, additional "replication restricted" non-neurovirulent mutants of HSV that contain the HSV-TK gene (a potential safety factor that would allow elimination of virus by treatment with the drug ganciclovir), but lack other HSV genes have been developed and have shown even more promise in CNS tumors.

A mutant HSV-1 called R3616, containing a 1000 base pair (bp) deletion in  $\gamma$ 34.5, with LD<sub>50</sub> (minimum dose of virus that kills 50% of infected animals) that is at least  $3 \times 10^3$  fold greater than wild type F strain virus from which it was derived, has been shown to improve the outcome of nude mice bearing intracranial human gliomas (Mineta *et al*, 1995).

In the work presented here, we have utilised an HSV-1 strain 17 mutant virus called 1716, that has a 759 bp deletion in each copy of  $\gamma$ 34.5 of the long repeat region (R<sub>L</sub>). The construction of mutant virus 1716 is described in published International patent application WO 92/13943 (PCT/GB92/00179) the contents of which are incorporated herein by reference. However, this patent publication is solely concerned with the use of mutant 1716 as a vaccine, either in itself or as a vector vaccine which includes a heterologous gene coding for an antigen.

WO 96/03997 (PCT/GB95/01791) includes data showing the efficacy of HSV 1716 against brain tumors.

#### SUMMARY OF THE INVENTION

The present invention is based on the surprising discovery that HSV which is  $\gamma$ 34.5 null is effective against non-neuronal cancers. Since HSV is known to



selectively inhabit the neuronal system (including the peripheral and central nervous system) and where it may remain in a latent state, it was unexpected that an HSV mutant could be effective against cancers of non-neuronal origin. Moreover, replication of the HSV mutant *in vivo* is restricted to the tumor cells so that "normal" non-tumor cells are unaffected.

Accordingly, the present invention provides the use of a mutant herpes simplex virus which has been modified in the  $\gamma$ 34.5 gene such that the gene is non-functional, in the manufacture of a medicament for use in treating a non-neuronal cancer.

The invention also relates to a method of treating a non-neuronal cancer in a mammal, which method comprises the step of administering to the mammal an effective amount of a mutant herpes simplex virus which has been modified in the  $\gamma$ 34.5 gene such that the gene is non-functional. The invention further provides an agent for treating a non-neuronal cancer, comprising a mutant herpes simplex virus which has been modified in the  $\gamma$ 34.5 gene such that the gene is non-functional.

#### BRIEF DESCRIPTION OF THE FIGURES

Figure 1 shows an HSV-1716 single step viral growth curve on human malignant mesothelioma cells. Innoculum at time 0 was 5,000 plaque forming units (PFU) of virus (multiplicity of infection, MOI=0.1). At twenty-four hours the amount of virus present had increased by four logs over the initial input inoculum.

Figure 2 shows an MTT assay for human malignant mesothelioma cell viability as a function of time and varying MOI. The % of control growth is the ratio of mean MTT activity in infected cells (n=6 wells at each time point) to the activity in a matched uninfected cells (n=6 wells at each time point).

Figure 3 shows the mean tumor score in animals day 28 animals (tumor/HSV animals received  $5 \times 10^6$  pfu HSV-1716 on day 14). The mean tumor score in the control group was  $3.9 \pm 0.1$  versus a mean tumor score in the treatment group of  $1.4 \pm 0.2$  ( $p < 0.001$ );

Figure 4 shows an HSV-1716 viral dose response survival study. SCID mice received  $30 \times 10^6$  human malignant mesothelioma cells on day 0. Seven days later one animal was sacrificed to confirm tumor. The remaining animals were randomized into four groups: control (n=11, culture media), low dose (n=10,  $5 \times 10^4$  pfu HSV-1716), middle dose (n=10,  $5 \times 10^5$  pfu HSV-1716), and high dose (n=10,  $5 \times 10^6$  pfu-1716);

Figure 5 shows virus titer following infection of subconfluent monolayers of 1205 cells with 5,000 PFU of HSV-1716 or HSV17+; and

Figure 6 shows tumor volume of treated and control tumors at various times after viral therapy.

## 20 DETAILED DESCRIPTION OF THE INVENTION

For the purposes of the present invention "non-functional" means that the gene has been modified by deletion, insertion or substitution (or other change in the DNA sequence such as by rearrangement) such that it does not express the normal product or a functionally equivalent product. The effect of the non-functionality of the gene is that the neurovirulence of the virus to the patient is substantially removed. Each of the two  $\gamma 34.5$  genes is non-functional.

Thus the invention relies on the finding that rendering the  $\gamma 34.5$  gene non-functional provides an HSV mutant which is particularly effective in destroying dividing non-neuronal tumor cells, whilst at the same time the HSV mutant does not replicate within normal non-cancerous cells. It therefore has the potential to

provide a safe anti-cancer treatment.

Two types of herpes simplex virus are known HSV-1 and HSV-2 and either may be employed in the present invention to provide the HSV mutant. Inter-type  
5 recombinants containing DNA from both types could also be used. HSV-1 and HSV-2 mutants 1716, 1771, 2604, 2616 and 2621 are described herein.

The modification may be effected at any convenient point within the  $\gamma$ 34.5 gene, and such point generally  
10 corresponds to a restriction enzyme site or sites. The modification may be within the BamHI  $\Delta$  restriction fragment of each  $R_L$  terminal repeat (corresponding to 0-0.02 and 0.81 - 0.83 mu). The modification is typically a deletion of 0.1 to 3kb, particularly 0.5 to 2.5kb, and  
15 especially 0.7 to 0.8 kb. The simple insertion of a stop codon is also effective in preventing production of the ICP 34.5 protein.

The HSV genome also includes a number of other genes which are non-essential to the successful culturing of  
20 the virus. Their removal may further contribute to the safety of the HSV mutant by further reducing neurovirulence and reducing the likelihood of recombination to the wild type. It is, of course, necessary to retain within the HSV mutant the ability to  
25 culture the mutant so that the mutant is self-replicating and stocks of the mutant can be grown in tissue culture. Lethal modifications of the genome which remove the ability to culture the HSV mutant are not acceptable, unless the missing gene products can be provided to the  
30 culture system in an alternative way e.g. by the use of a complementing cell line containing a plasmid which expresses the missing gene product.

Thus, in addition to the primary modification to the  $\gamma$ 34.5 gene of the  $R_L$  region, it may be advantageous to  
35 also include in the HSV mutant one or more secondary

modifications which are generally within non-essential genes unless the missing gene product can be provided in an alternative way.

5 The present invention also encompasses the use of an HSV mutant which includes in addition to the primary modification, a secondary modification (for example within Vmw65). The mutant may be derived from HSV-1 or HSV-2.

10 In a similar way, other secondary modifications may involve modification of the latency associated transcript (LAT) promoter so as to render the promoter non-functional and prevent transcription thereof.

15 Herpes simplex virus naturally infects the brain and nervous system. It is therefore surprising that the HSV mutant is effective against tumors outside the brain and nervous system. Such tumors may be metastatic tumors where the cancer cells originate elsewhere or may be primary tumors. The non-neuronal cancer being treated will generally be a primary cancer of non-neuronal cell type, or a secondary cancer of non-neuronal cell type which has metastasised to a non-neuronal (e.g. non-CNS) location in the patient's body.

20 On the basis of the results presented herein, which surprisingly show the ability of the HSV mutant to combat non-neuronal tumors, it is believed that the anti-tumor effectiveness of the HSV mutant extends to the treatment of non-neuronal (e.g. non-CNS) cancers in general, including the treatment of mesotheliomas, melanoma, ovarian carcinoma, and bladder cancer. The condition of a patient suffering from such a cancer can be improved. The treatment is particularly applicable to primary tumors which are localised, rather than metastatic tumors. The efficacy of treatment according to the invention employing the HSV mutant will depend on the time after origination of the tumor at which the

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treatment is initiated, but efficacy is improved by early treatment for example in 1 to 30 days.

The LD<sub>50</sub> (minimum dose of virus that kills 50% of infected animals) of the 1716 mutant in respect of mice is 10<sup>6</sup> fold greater than that of the wild type 17+ virus from which it is derived (for cerebral tumors). Thus the neurovirulence of 1716 is essentially removed relative to the wild type virus.

The effective non-toxic dose of HSV mutant can be determined by routine investigation by the skilled addressee, and will depend on a number of factors including the particular species of mammal and the extent of development of the tumor. A guide can be obtained from the Examples herein, which show that in the mouse relatively high doses (4x10<sup>6</sup> pfu) can significantly improve survival. Preferred doses for mice are in the range 1x10<sup>4</sup> to 1x10<sup>8</sup> particularly 1x10<sup>6</sup> to 1x10<sup>7</sup> pfu. The doses for other mammals can be estimated accordingly by the skilled man. For humans doses will generally be in the range 1x10<sup>6</sup> to 1x10<sup>8</sup> pfu.

In a further aspect of the invention there is provided a method of treating non-neuronal cancer in mammals, in particular in humans by administering a pharmaceutical formulation comprising the HSV mutant to a mammal, in particular to humans. Thus, the method of treatment can comprise the administration of a pharmaceutical formulation comprising the HSV mutant by injection directly into the tumor, parenterally into the blood stream feeding the tumor or intraperitoneally. The tumor may be surgically removed or debulked prior to treatment with the HSV mutant.

It will usually be presented as a pharmaceutical formulation including a carrier or excipient, for example an injectable carrier such as saline or apyrogenic water. The formulation may be prepared by conventional means.

The following Examples illustrate the invention.

#### EXAMPLE 1

##### MATERIALS AND METHODS

##### 5 Mutants in the HSV RL1 gene

Our laboratory has isolated a number of deletion mutants and point mutants in the RL1 gene of both HSV-1 strain 17 and HSV-2 strain HG52.

##### 10 HSV-1 strain 17

##### 1716

The genome of this virus has a 759 bp deletion located within each copy of the BamHI fragment (0-0.02 and 0.81-0.83 map units) of the long repeat region of the genome. The deletion removes one complete copy of the 18 bp DR1 element of the 'a' sequence and terminates 1105 bp upstream of the 5' end of IE gene 1. Most of RL1 including the initiating methionine is removed and the mutant fails to make ICP34.5. Following intracerebral inoculation of mice, the LD<sub>50</sub> value of 1716 is 7x10<sup>6</sup>/mouse compared to <10 for the parental strain 17+.

Its production is described in published patent application WO 92/13943 (PCT/GB92/00179). The mutant virus was passaged for use in this study by Dr. Nigel N. Fraser (Philadelphia, PA).

##### 25 1771

The genome of this virus has a stop codon functional only in the assigned RL1 reading frame 9 bp downstream from the initiating ATG. The LD<sub>50</sub> value of 1771 is >10<sup>6</sup> PFU/mouse following intracerebral inoculation and its latency phenotype is indistinguishable from 1716. 1771 fails to synthesize ICP34.5.

##### HSV-2 strain HG52 mutants.

##### 2604

35 This virus has a deletion of 1488 bp in both long

repeats of the genome which extends from the DR1/Ub boundary of the 'a' sequence to 511 bp upstream of the 5' end of IE1. The deletion removes the whole of RL1. 2604 has a LD<sub>50</sub> value of >10<sup>7</sup> PFU/mouse compared to <10<sup>7</sup> for wild type strain HG52. Although formal proof of lack of synthesis of ICP34.5 has not been obtained due to the unavailability of an antiserum which detects the type 2 protein, the phenotype of the virus *in vivo* has been shown to be unambiguously due to the RL1 deletion.

10     2616

This virus has 786 bp of both copies of RL1 deleted but retains 782 bp upstream of the 5' end of IE1 and 463 bp downstream of the "a" sequence. The LD<sub>50</sub> value of 2616 on intracerebral inoculation is >10<sup>6</sup> PFU/mouse.

15     2621

This virus has a stop codon inserted only in the RL1 open reading frame 9 bp downstream of the initiating methionine within exon 1. The virus has a LD<sub>50</sub> of >10<sup>7</sup> PFU/mouse following intracerebral inoculation.

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*In vitro* studies of HSV-1716 on a Human Malignant Mesothelioma Cell Line.

A human malignant mesothelioma cell line called REN was isolated, characterised, and passaged as previously described by our laboratory. To construct a single step viral growth curve, REN cells were plated on six-well plates at a density of 500,000 cells/well and infected 24 hours later with HSV-1716 at a multiplicity of infection (MOI) of 0.01 (5000 pfu/well). One well was harvested at 0, 6, 12 and 24 hours by cell scraping and collection of the media. The samples were freeze/thawed and titered on Baby Hamster Kidney cell monolayers. A cell viability assay was performed by plating REN cells in 96 well plates at a density 20,000 cells per well. Twenty four hours later the cells were infected with HSV-1716 at

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MOI's of 0,0.001, 0.01, 0.1. Six wells were infected at each MOI. Three complete 96 well plates were constructed to allow for viability assay at 24, 48 and 72 hours. Viable cell number was assessed by a colorimetric assay (Cell Titer 96% Aqueous Non-radioactive MTT Cell Proliferation Assay; Promega Corporation, Madison, WI) that measures viable cell dehydrogenase activity by absorbance. The present control growth is defined as the ratio of the mean absorbance of six treatment wells at 490nm to the mean absorbance of six untreated matched controls.

#### In vivo Studies

A previously described model of human malignant mesothelioma growing in the peritoneal cavity of SCID mice was utilised for all in vivo experimentation (Smythe et al, 1994a; Smythe et al, 1994b).

Briefly, SCID mice were obtained and housed at the animal facilities of the Wistar Institute (Philadelphia, PA). On day 0, animals were injected intraperitoneally with  $30 \times 10^6$  REN cells in 1 cc of cell culture media. For the tumor burden study treatment animals were given  $4 \times 10^6$  pfu of HSV-1716 in culture media by intraperitoneal injection on day 14. Control animals received an equivalent volume of culture media.

The animals were examined daily and sacrificed by cervical dislocation on day 28. The amount of tumor burden was assessed using a four-point semiquantative scale which accounts for both gross and microscopic disease. Briefly, animals were assessed for tumor in the following four areas: stomach/pancreas, portal region, retroperitoneum/diaphragm, and small bowel mesentary.

On gross examination animals received either a score of 0 if no tumor was present or a score of 1 in each of the four designated areas where gross tumor was seen. If



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no gross tumor was visible, H & E stained paraffin embedded sections of each organ from the designated area were examined in a blinded fashion by a clinical pathologist. The sections were scored as either 0 for no  
5 microscopic tumor or 0.5 if microscopic tumor was present. Thus, the tumor scores ranged for 0 to 4.0. Organs including: brain, heart, lungs, liver, stomach, pancreas, kidney, adrenals, spleen, gonads, small bowell, and diaphragm were obtained from each animal. Each organ  
10 was divided by thirds with equal samples designated for frozen section, formalin fixation and DNA extraction.

For the initial survival study, 18 animals were injected intraperitoneally with  $30 \times 10^6$  REN cells in 1 cc of cell culture media (day 0). On day 7, one animal  
15 was sacrificed for gross tumor confirmation and the remaining animals were randomized to the treatment group (n=8) and the control group (n=9). Treatment animals received  $4 \times 10^6$  pfu of HSV-1716 by intraperitoneal injection; control animals received an equal volume of  
20 culture media. The animals were checked daily and followed for survival. An identical protocol was followed for the dose response study except the animals were randomized into the control group (n=10), the high dose group (n=10,  $4 \times 10^6$  pfu HSV-1716), the middle dose  
25 group (n=10,  $4 \times 10^5$  pfu HSV-1716) and the low dose group (n=10,  $4 \times 10^4$  pfu HSV-1716).

#### Histology and Immunohistochemistry

Tissue samples were obtained at necropsy. A portion  
30 of each specimen was fixed in 10% neutral buffered formalin overnight, paraffin embedded, sectioned and stained with hematoxylin and eosin for microscopic examination. Immunohistochemical staining for HSV infection was performed on frozen tissue sections with a  
35 commercially available polyclonal antibody for cell

surface HSV antigens (DAKO, Carpinteria, CA).

In vivo Dissemination and Restriction Studies

In order to look for dissemination of HSV-1716, we  
5 performed PCR looking for the herpes virus thymidine  
kinase gene (tk) on the collected tissues from two  
animals in the tumor burden study. Genomic DNA was  
obtained by standard phenol/chloroform extraction and  
amplified by PCR. The PCR primers (5' ATGG CTTT TCGT  
10 ACCC CTGC CAT AND 3' GGTA TCGC GCGG GGGG GTA) were  
designed to span a region of the HSVtk gene generating a  
536 bp fragment. Ten microliters of DNA extract from  
each tissue sample was subjected to 35 cycles of PCR  
using the tk primers. The tk plasmid as well as DNA  
15 brain tissues from an animal infected with wild type HSV-  
17+ were used as positive controls. PCR products were  
run on ethidium bromide 1.5% agarose gels and then  
blotted overnight onto Zeta-Probe GT Blotting Membranes  
(Bio-Rad Laboratories, Hercules, CA). The membrane was  
20 probed using a <sup>32</sup>P-labeled portion of the HSVtk plasmid  
corresponding to the 536 bp PCR generated tk fragment.

RESULTS

25 HSV-1716 Efficiently Replicates in a Human Malignant  
Mesothelioma Cell Line and Lyses the Cells In Vitro.

To determine the ability of HSV-1716 to replicate  
within a non-CNS human tumor cell line in vitro, we  
performed a single step viral growth curve in REN cells  
(a human malignant mesothelioma cell line isolated and  
30 characterised from a clinical specimen in our  
laboratory). As shown in Figure 1, REN cells supported  
rapid growth of the virus. At time 0, 70% of the input  
viral inoculum was recovered. By 6 hours, the number of  
recovered active viral particles fell by a factor of 200  
35 as expected due to viral uptake and disassembly in

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preparation for viral replication. Twelve hours later, viral recovery increased to a level near the input innoculum. By 24 hours, a 4-log increase over the initial innoculum was obtained demonstrating efficient replication of HSV-1716 on REN cells.

To demonstrate the ability of HSV-1716 to lyse REN cells, we next performed an in vitro target cell viability assay. As shown in Figure 2, HSV-1716 efficiently lysed target cells in a time and dose-responsive fashion. By 72 hours, at an MOI=1.0, less than 20% of the cells remained viable when compared to matched uninfected control cells. Similar results have been obtained with a second human mesothelioma line, I-45 (data not shown).

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Unlike Wild-type HSV-1, HSV-1716 Infection and Replication is Restricted to Tumor Cells in an In vivo SCID Mouse Model of Human Mesothelioma.

As expected, intraperitoneal injection of SCID mice with  $5 \times 10^6$  pfu of wild type HSV-17+ led to rapid spread of the virus, neurological dysfunction, and death of all animals by 7 days. To determine the extent of HSV infection, organs from animals sacrificed 72 hours after wild type injection were analysed immunohistochemically with a polyclonal antibody recognising HSV-antigens. Positive cells were clearly seen in the myenteric ganglia of the small intestine, adrenal glands, and brain. In contrast, non-tumor bearing SCID mice injected with the same dose of HSV-1716 remained healthy. Immunohistochemistry for HSV antigens was negative 72 hours after infection.

To test the ability of HSV-1716 to infect and replicate within human tumors in vivo, SCID mice were injected intraperitoneally with 30 million human REN cells. After 14 days, diffuse macroscopic 5-8 mm tumor

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nodules were present. At this time,  $5 \times 10^6$  pfu of HSV-1716 were instilled into the peritoneal cavity; 72 hours later, the animals were sacrificed and the abdominal organs processed for immunohistochemistry to detect HSV-proteins. Microscopic examination revealed that virtually all tumor nodules showed necrosis, infiltration with mononuclear inflammatory cells, multinucleated cells and nuclear inclusions consistent with active herpetic infection. In contrast, no viral cytopathic changes were seen in any normal tissues. To directly detect HSV infection, tumors and organs were stained with an anti-HSV antibody. A large percentage of the tumor cells stained positively for HSV antigens while surrounding normal tissues, as well as other normal tissues examined, showed no positive staining. Specifically liver, kidney, spleen, small bowel, myenteric plexuses, adrenal glands, spinal cord and brain were negative. Similar results were obtained at days 5, 7, 9 and 11 after infection, however, the number of positive cells appeared to decrease at the later time points, possibly due to a decrease in available tumor substrate.

HSV-1716 Does Not Persist Following Intraperitoneal Injection in Tumor-Bearing Mice.

To more sensitively detect the persistence and dissemination of HSV-1716 after intraperitoneal injection, we used the polymerase chain reaction (PCR) to detect the presence of Herpes Simplex Thymidine Kinase (HSVtk) DNA. The results from two tumor-bearing animals demonstrated no HSVtk dissemination and no HSVtk persistence two weeks after intraperitoneal injection. In contrast, one animal who was given HSV-17+ as a positive control, demonstrated HSVtk dissemination to the brain within 72 hours after intraperitoneal injection.

HSV-1716 reduces intraperitoneal tumor burden and markedly prolongs survival in a SCID mouse model of human mesothelioma.

To determine the ability of HSV-1716 infection to  
5 eradicate established tumor,  $5 \times 10^6$  plaque forming units  
(pfu) of HSV-1716 were given by intraperitoneal injection  
to animals that had been injected intraperitoneally 14  
days previously with 30 million REN tumor cells. Animals  
at this time had established intraperitoneal tumors that  
10 consisted of multiple 5 to 8 mm nodules with portal  
invasion and gallbladder distension. Two weeks later,  
animals were sacrificed and the tumor burden was assessed  
using a previously developed semi-quantitative scale  
which accounts for both gross and microscopic tumor  
15 (Hwang et al, 1995). The tumor score ranges from 0 (no  
gross or microscopic tumor) to a maximum score of 4.0.  
Figure 3 shows a significant reduction in the mean tumor  
score at day 28 in tumor-bearing animals (n=12) treated  
with HSV-1716 as compared to the mean tumor score in  
20 control animals (n=8). The mean tumor score in the  
treatment group was  $1.4 \pm 0.2$  compared with a mean tumor  
score in the control group of  $3.9 \pm 0.1$  (p,0.001). All  
animals in the control group survived the study period.  
There was one death in the treatment group that occurred  
25 5 days after viral administration. Gross examination  
failed to reveal the cause of death; microscopic  
examination was not possible due to autolysis.

To determine if this decrease in tumor mass  
conferred a survival advantage to SCID mice bearing  
30 established intraperitoneal REN tumors, a second set of  
tumor-bearing animals were injected with  $5 \times 10^6$  pfu of  
HSV-1716 two weeks after intraperitoneal injection of  
tumor cells and followed for survival. The median  
survival was increased from 47 days in the control group  
35 (n=9) to 95 days in the treatment group (n=10). After

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102 days, the remaining 3 surviving animals were sacrificed and necropsied. All deaths in the control group were a result of bulky intraperitoneal disease; no external tumor nodules were visible at the initial tumor injection site. Interestingly, deaths in the treatment group occurred at two distinct time points. Three animals died shortly after HSV-1716 administration. There was no evidence of bulky disease at this time. The majority of the other animals died around day 100 due to bulky malignant disease that extended from large subcutaneous nodules arising on the anterior abdominal wall. These nodules corresponded to the site of the initial tumor injection and the tumor appeared to be growing inward from the anterior abdominal with invasion into the peritoneal cavity. There were no deaths in a cohort of non-tumor bearing animals (n=5) who received the same dose of HSV-1716 by intraperitoneal injection.

A second survival study was performed to determine the viral dose response. Tumor bearing animals were randomised to control (n=11) and treatment groups (low dose -  $4 \times 10^4$  pfu HSV-1716, n=10; middle dose -  $4 \times 10^5$  pfu HSV-1716, n=10; and high dose -  $4 \times 10^6$  pfu HSV-1716, n=10). As shown in Figure 4, treatment with high dose HSV-1716 significantly improved survival when compared to control animals (p=0.0011 by Mantel-Cox logrank test). Seventy percent of the high dose animals were alive at day 90; however, 5 out of the 7 developed subcutaneous tumor nodules on the anterior abdominal wall corresponding to the initial tumor injection site. The low and middle dose treatment animals also demonstrated a significant improvement in survival when compared to the control animals (p=0.0003 for control vs. middle dose and p=0.0019 for control vs. low dose by Mantel-Cox logrank test). There was no difference in survival between the low and middle dose animals (p=0.65).

## DISCUSSION OF RESULTS

These results demonstrate that the mutant "replication-restricted" Herpes Simplex Virus-1716 can reduce tumor burden and significantly prolong survival in an animal model of non-CNS localised human malignancy. Furthermore, we have shown that the HSV-1716 mutant is "replication-restricted" to malignant cells, in that it does not disseminate or persist after intraperitoneal injection into SCID mice bearing human tumors. These findings suggest that this virus is efficacious and safe for use in localised human malignancies of non-neuronal origin such as malignant mesothelioma, ovarian carcinoma, or bladder cancer.

The "replication-restriction" of HSV-1716 is provided by deletion of the  $\gamma$ 34.5 gene. The function of this gene is still unclear, however, the loss of the  $\gamma$ 34.5 gene has been shown correlate with a loss of neurovirulence.<sup>24</sup> There are also likely additional functions of this gene that allow for the restricted replication seen in our malignant mesothelioma cell lines.

## EXAMPLE 2

### MATERIALS AND METHODS

#### 25 Studies of HSV-1716 on a Human Melanoma Cell Line

The use of replication restricted HSV-1716 to treat experimental human malignant melanoma outside the CNS was investigated as follows. Tests were carried out on mice *in vivo*.

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#### Tumor Cells:

Human melanoma cell lines were a generous gift from Meenhard Herlyn (Wistar Institute, Phila, PA). Line 1205 was isolated as previously reported (Juhasz et al., 1993) and the other 25 lines were isolated in a similar

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fashion. Cells were grown in plastic flasks in AUTO-POW media containing penicillin, streptomycin, and 5% calf serum at 37°C in a humidified environment with 5% CO<sub>2</sub>.

5     Virus Production:

To produce virus stocks, subconfluent monolayers of baby hamster kidney 21 clone 13 (BHK) cells were infected with HSV strains 1716 or wild type 17+. Virus was concentrated from the culture and titrated by plaque assay (Spivack & Fraser, 1987). All viral stocks are stored frozen at -80°C, and thawed rapidly just prior to use.

Production of UV Inactivated Virus:

15     Ultraviolet inactivation of HSV was performed using the method of Notarianni and Preston (Notarianni & Preston, 1982). After inactivation, the viral suspension was titered on BHK cells to confirm that it could no longer establish a lytic infection, stored frozen at -80°C, and thawed rapidly just prior to use.

Viral Growth Kinetics Assay

Subconfluent monolayers of 1205 cells (5x10<sup>5</sup> cells in six well plastic tissue culture plates) were infected with 5x10<sup>3</sup> PFU of HSV-1716 in 1 ml of AUTO-POW media containing penicillin, and streptomycin. For the time 0 measurement the cell monolayer was scrapped off into the viral inoculum suspension immediately, and frozen at -80°C. For the remaining time points, the viral inoculum was incubated on the cell monolayer at 37°C for one hour with gentle rocking, and then aspirated off. The infected monolayers were washed twice with media, and resuspended in 1 ml of AUTO-POW media containing penicillin, streptomycin, and 5% calf serum. At the appropriate times post infection, the monolayers were



harvested with a cell scraper, and the suspension frozen at -80°C. Following 2 cycles of freezing and thawing, each sample was titrated by plaque assay on BHK cells (Spivack & Fraser, 1987).

5

#### Intracutaneous Tumor Production and Assays:

Mice were anesthetized with intramuscular ketamine/xylazine (87mg/kg ketamine/13mg/kg xylazine). A patch of hair was removed from one flank using a chemical depilatory agent (Magic Shaving Powder, Carson Products Co., Savannah, GA) Intracutaneous injection of  $1 \times 10^5$  1205 melanoma cells in a total volume of 50µL was performed using a Hamilton syringe, and a disposable 28 g needle. Tumor volumes were calculated based on a radius obtained from orthogonal measurements of tumor diameters using a micrometer-caliper, and assume a spherical tumor shape. On day 14 post tumor cell injection mice were randomly divided into three groups. One group was treated with a 25µl intratumoral injection of  $2.5 \times 10^6$  PFU of HSV-1716 using a Hamilton syringe, and a disposable 30g needle. The second and third groups were injected respectively with an equal volume of UV-inactivated HSV-1716 or viral culture medium alone as comparisons.

#### 25 Immunohistochemistry:

Viral antigen expressing cells were detected by the indirect avidin-biotin immunoperoxidase method (Vector Labs, Burlingame, CA) as specified by the manufacturer with slight modifications developed in our laboratory (Gesser et al., 1994). Rabbit antiserum to HSV-1 (Dako Corp., Carpinteria, CA) was used at a dilution of 1:1000.

#### 30 Statistical Analysis:

Data analysis including calculations of means, standard deviations and ANOVA was performed using

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StatView statistical software (Abacus Concepts, Berkeley CA) on an Apple MacIntosh computer (Cupertino, CA).

## RESULTS

### 5    HSV-1716 and HSV-17+ replicate efficiently in human melanoma cells.

Subconfluent monolayers of 1205 cells were infected with  $5 \times 10^3$  PFU of HSV-1716 or HSV17+. For the time 0 measurement the cell monolayer was scrapped off into the  
10    viral inoculum suspension immediately, and frozen. For the remaining time points, the viral inoculum was incubated on the cell monolayer at 37°C for one hour with gentle rocking, and then aspirated off. The infected monolayers were washed twice with media, and resuspended  
15    in 1 ml of AUTO-POW media containing penicillin, streptomycin, and 5% calf serum. At the appropriate times post infection the monolayers were harvested with a cell scraper, and the suspension frozen at -80°C. Following 2 cycles of freezing and thawing, each sample  
20    was titrated by plaque assay on BHK cells. The results are shown in Figure 5. The data shown represent the mean  $\pm$  standard deviation of triplicate determinations at each time point.

### 25    Replication of HSV-1716 is restricted to Melanoma Cells following injection into pre-formed intracutaneous tumor nodules (data not shown).

Intracutaneous tumors were produced by injection of  $1 \times 10^5$  1205 melanoma cells into SCID mice. On day 14 post  
30    tumor cell injection, some mice were treated with an intratumoral injection of  $2.5 \times 10^6$  PFU of HSV-1716, while control mice received an equivalent volume of UV inactivated virus. Sections were taken from a control tumor treated with UV inactivated 1716, and harvested 10  
35    days later. Sections were also taken from a tumor

treated with HSV-1716, and harvested 5 days later; and harvested 10 days later. The tumor and surrounding skin were excised, fixed, stained immunohistochemically for HSV-1, and counter stained with hematoxylin.

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Intratumoral Treatment of pre-formed intracutaneous melanoma with HSV-1716 causes a significant inhibition of tumor progression.

Anesthetised mice were injected intracutaneously with  $10^5$  melanoma cells. On day 15 post tumor cell injection, mice were randomly divided into three groups. One group was treated with a 25 $\mu$ l intratumoral injection of  $2 \times 10^6$  PFU of HSV-1716, and animals in the two control groups were injected with either an equal volume of UV-inactivated 1716, or viral culture medium. The results are shown in Figure 6. The data shown represent the mean  $\pm$  standard deviation of 10 mice at each point.

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DISCUSSION OF RESULTS

As an initial step in assessing the viability of HSV based therapy of human intracutaneous melanoma, the efficiency of HSV-1716 replication was determined for human melanoma cell line 1205, and compared to the replication of HSV-17+, the parental strain from which HSV-1716 was derived. As shown in Figure 5, the replication cycle of HSV-1716 in these cells is approximately 24 hrs, and each replication cycle yields an approximately 4 log fold increase in lytically active virus. The kinetics of virus production were nearly identical for HSV-1716 and HSV-17+. An additional 25 human melanoma cell lines were tested for lytic replication of HSV, and all of these replicated HSV-1716 and HSV-17+ efficiently in vitro (data not shown).

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We next evaluated whether replication of HSV-1716 could be demonstrated in vivo in pre-formed

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intracutaneous human melanoma nodules growing in SCID mouse skin, and importantly we evaluated if replication of the virus was detectable in surrounding normal tissues. This was accomplished by immunohistochemical evaluation of treated tumors and surrounding tissues. Immunohistochemical staining of intracutaneous 1205 melanoma nodules with antibody to HSV at 5 days or 10 days after intratumoral injection of HSV-1716 demonstrated positive staining that was dispersed throughout a large area of the tumor. At these times a significant portion of the HSV-1716 treated tumor nodules were necrotic. Moreover, no staining was seen in normal murine tissues surrounding the tumor nodules in these and all other sections examined. No staining, and no significant necrosis was seen in the representative control tumor treated with UV-inactivated HSV-1716 and subjected to the full immunohistochemical protocol.

After determining that HSV-1716 exhibits restricted replication within intracutaneous melanoma, we performed intratumoral therapy on pre-formed tumors, to test the efficacy of this approach. Figure 6 shows the tumor volume of treated and control tumors at various times after viral therapy, and demonstrates that HSV-1716 significantly inhibits progression of pre-formed intracutaneous melanoma. UV inactivated HSV-1716 had no effect on tumor progression relative to nodules injected with viral culture medium alone. Of the ten tumor bearing mice treated with HSV-1716, three had complete involution of melanoma nodules such that no palpable tumors were present from day 21 on. ANOVA analysis of the tumor volume data demonstrated that the effect of HSV-1716 treatment is statistically significant ( $p < 0.0001$ ) at all times post treatment examined. In none of the HSV-1716 treated animals was there any mortality or morbidity noted.

It is therefore apparent from Figure 6 that HSV-1716 has the ability to reduce melanoma tumor size *in vivo* in mice into which melanoma tumors have been introduced by intracutaneous injection.

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CLAIMS

1. Use of a mutant herpes simplex virus which has been modified in the  $\gamma$ 34.5 gene such that the gene is non-functional, in the manufacture of a medicament for use in treating a non-neuronal cancer.
2. Use according to claim 1, wherein the medicament is for use in treating a human with a non-neuronal cancer.
3. Use according to claim 1 or 2, wherein the cancer is a primary tumor.
4. Use according to claim 1 or 2, wherein the cancer is a metastatic tumor.
5. Use according to claim 1 or 2, wherein the cancer is a mesothelioma, ovarian carcinoma, bladder cancer or melanoma.
6. Use according to any one of the preceding claims, wherein the mutant herpes simplex virus is a type 1 herpes simplex virus.
7. Use according to any one of the preceding claims, wherein the mutant herpes simplex virus has been modified within the BamHI restriction fragment of the long terminal repeat of the viral genome.
8. Use according to claim 7, wherein the modification is a deletion of from 0.1 to 3kb.
9. Use according to claim 8, wherein the deletion is from 0.7 to 0.8kb.
10. Use according to any one of the preceding claims, wherein the mutant herpes simplex virus is strain 1716.
11. A method of treating a non-neuronal cancer in a mammal, which method comprises the step of administering to the mammal an effective amount of a mutant herpes simplex virus which has been modified in the  $\gamma$ 34.5 gene such that the gene is non-functional.
12. An agent for treating a non-neuronal cancer,

comprising a mutant herpes simplex virus which has been modified in the  $\gamma$ 34.5 gene such that the gene is non-functional.



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Fig.1.

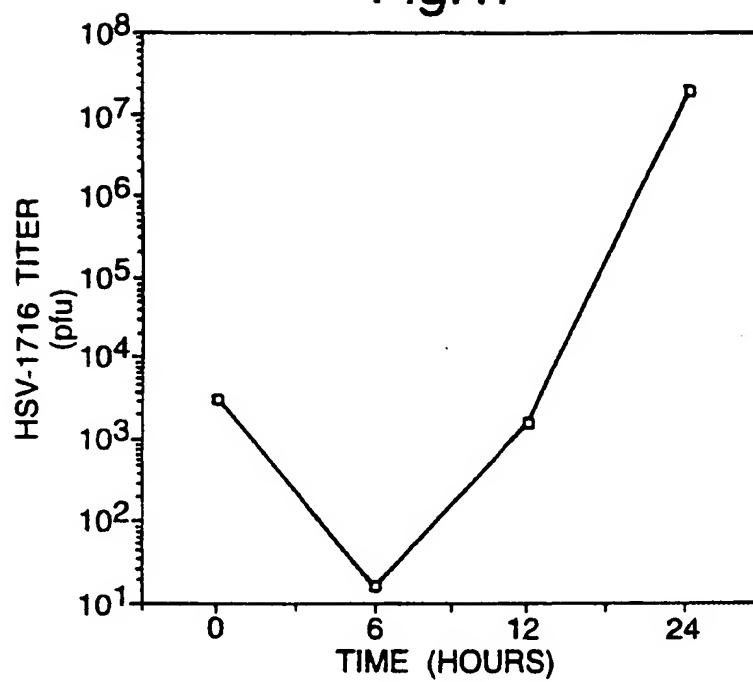
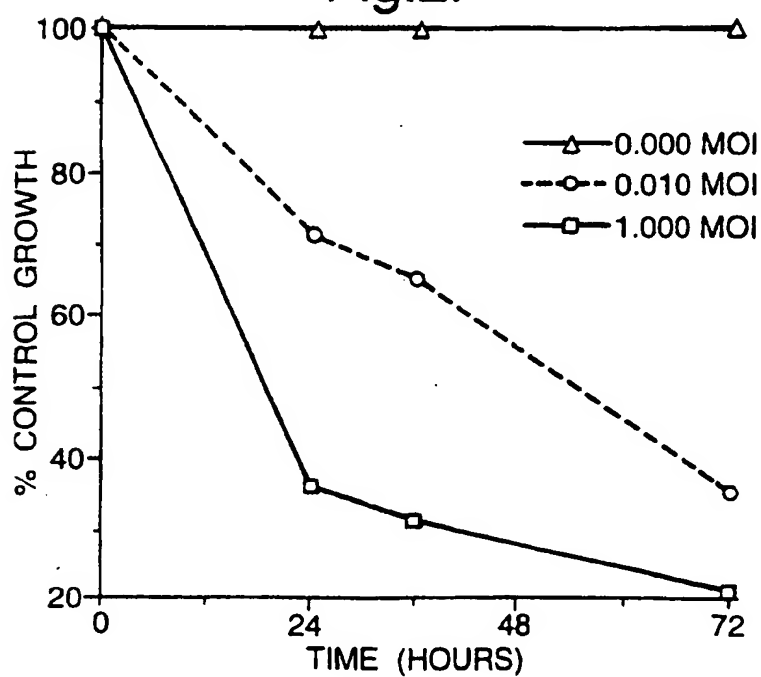


Fig.2.



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Fig.3.

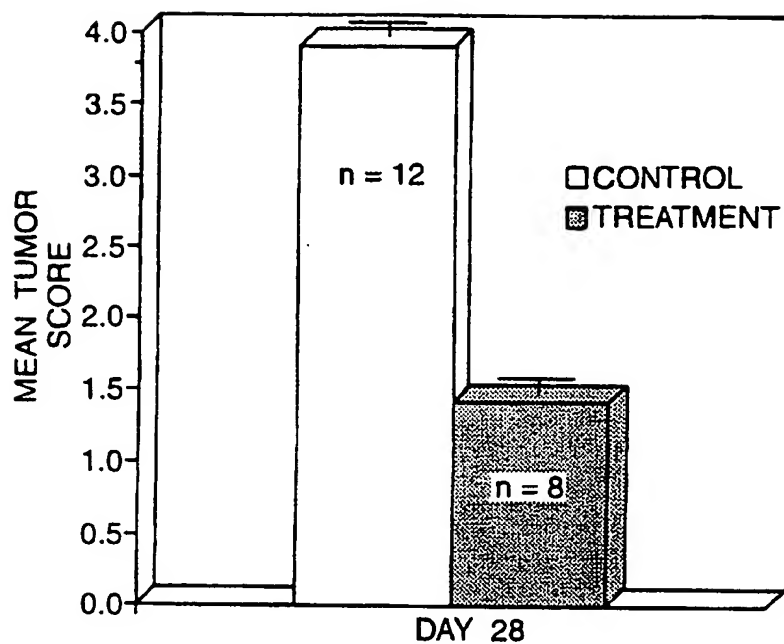
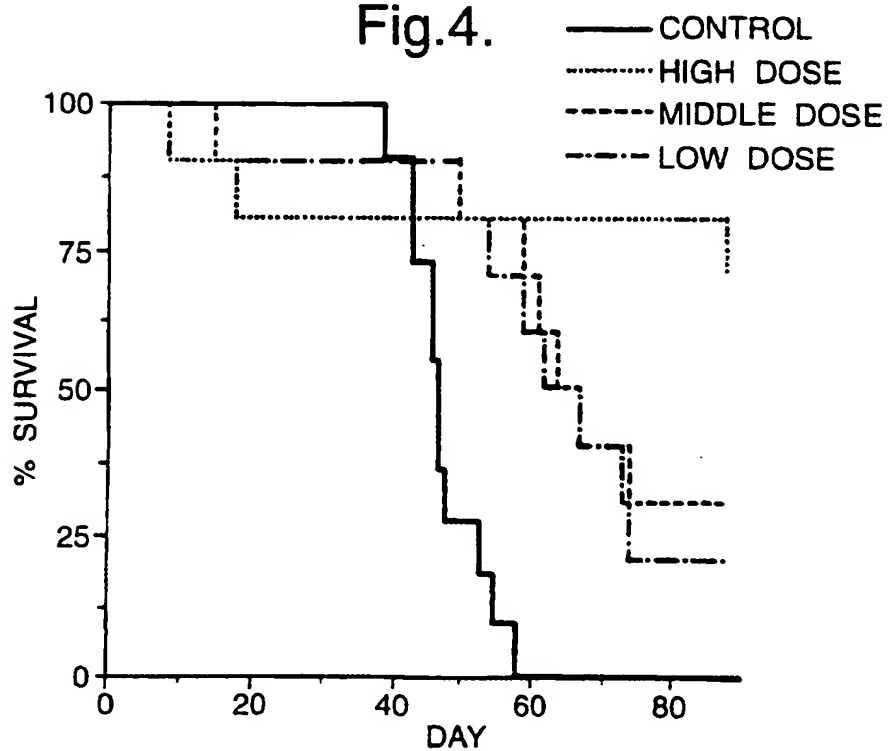
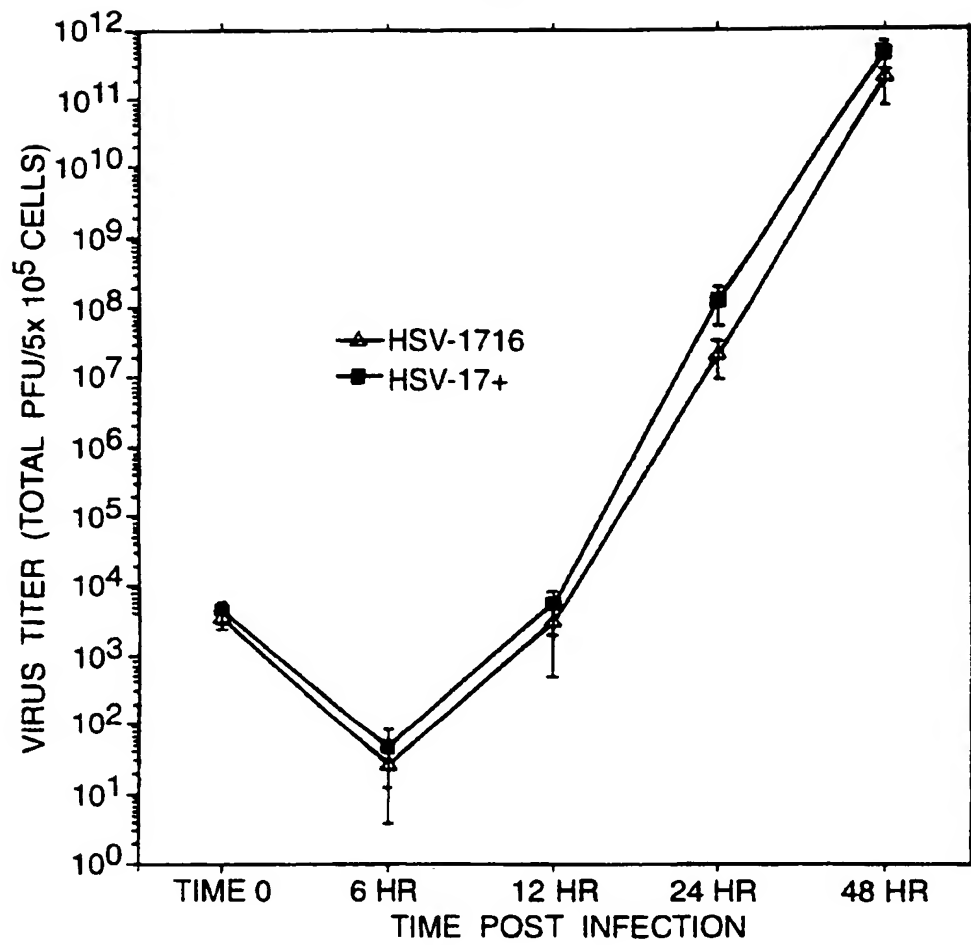


Fig.4.



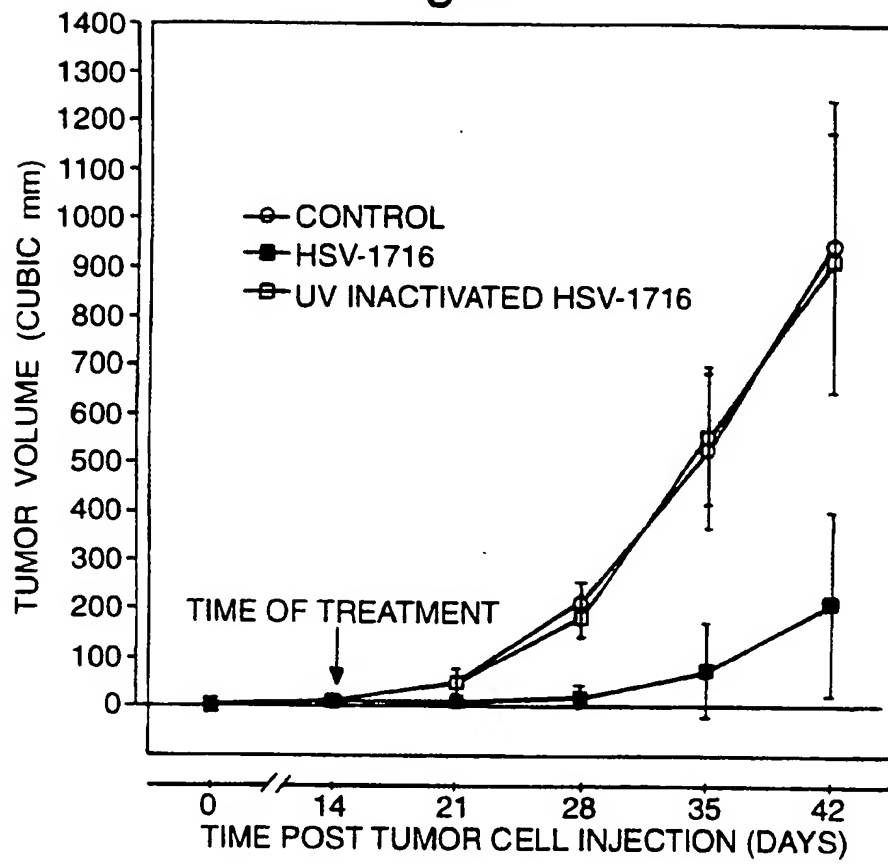
3 / 4

Fig.5.



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Fig.6.



# INTERNATIONAL SEARCH REPORT

In. .ional Application No  
PCT/GB 97/00232

A. CLASSIFICATION OF SUBJECT MATTER  
IPC 6 A61K35/76

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)  
IPC 6 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	VIROLOGY, vol. 211, no. 1, 1 August 1995, pages 94-101, XP000561228 RANDAZZO B P ET AL: "TREATMENT OF EXPERIMENTAL INTRACRANIAL MURINE MELANOMA WITH A NEUROATTENUATED HERPES SIMPLEX VIRUS 1 MUTANT" see page 94, abstract ---	1-12
X	WO 96 00007 A (UNIV GEORGETOWN) 4 January 1996 see page 4, line 30 - page 6, line 15 see page 23 - page 28; example 1 --- -/--	1-6,11, 12

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

### \* Special categories of cited documents :

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Date of the actual completion of the international search

17 April 1997

Date of mailing of the international search report

25.04.97

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# INTERNATIONAL SEARCH REPORT

I. International Application No

PCT/GB 97/00232

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 92 13943 A (SMITHKLINE BEECHAM BIOLOG) 20 August 1992 cited in the application see page 2, line 19 - page 4, line 31 see page 5, line 14 - page 9, line 16 ---	12
X	WO 92 04050 A (ROIZMAN BERNARD) 19 March 1992 see page 3, line 11 - page 5, line 19 ---	12
X	WO 93 19591 A (ARCH DEV CORP) 14 October 1993 see page 10, line 29 - page 11, line 9 ---	12
X	DATABASE MEDLINE FILE SERVER STN KARLSRUHE ABSTRACT 96083561, KESARI ET AL: "THERAPY OF EXPERIMENTAL HUMAN BRAIN TUMOURS USING A NEUROATTENUATED HERPES SIMPLEX VIRUS MUTANT" XP002029649 see abstract & LABORATORY INVESTIGATION, vol. 73, no. 5, November 1995, pages 636-648, ---	12
P,X	WO 96 03997 A (MEDICAL RES COUNCIL ;WISTAR INST (US); MACLEAN ALASDAIR RODERICK () 15 February 1996 cited in the application see page 4, paragraph 5 - page 8, paragraph 2 see page 18 - page 19; example 1 ---	1-12
P,X	WO 96 39841 A (UNIV GEORGETOWN) 19 December 1996 see page 7, line 15 - page 10, line 37 ---	1-6,11, 12
P,X	PROCEEDINGS OF THE AMERICAN ASSOCIATION FOR CANCER RESEARCH, vol. 37, March 1996, page 342 XP002029648 KUCHARCZUK ET AL: "REPLICATION-RESTRICTED HERPES SIMPLEX VIRUS-BASED TREATMENT OF LOCALIZED NON-CNS MALIGNANCY" see abstract 2335 -----	1-12

# INTERNATIONAL SEARCH REPORT

International application No.

PCT/GB 97/00232

## Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: 11  
because they relate to subject matter not required to be searched by this Authority, namely:  
Remark: Although claim 11 is directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
2. ☐ Claims Nos.:  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/GB 97/00232

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
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